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THE TORRENS SYSTEM

A MANUAL

OF THE

Uniform Land Registration Act in Virginia

To which is appended the Annotated Act, proposed Rules of Court, and a complete System of Forms

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EUGENE C. MASSIE
Richmond, Virginia

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PREFACE

I HAVE just had the privilege of reading the advance sheets of a treatise on the act of February 24, 1916, of the General Assembly of Virginia, entitled, "The Uniform Land Registration Act," but popularly known as the Torrens Land Law. It is very fitting that this illuminating little book should be given the public and the profession by the Hon. Eugene C. Massie. To him this commonwealth owes the enactment of the law. His grasp of the Torrens system which enabled him to draft a law suitable to Virginia; his long, vigorous and intelligent propaganda; his eminence throughout the country as one of the ablest and most devoted of the national protagonists of reform of the land laws; his accurate knowledge of the spirit as well as the administrative machinery of the act, combine to give to this treatise a value and an authority which could hardly have come from any other source.

Some years ago I heard Mr. Massie, from his seat in the House of Delegates, deliver in advocacy of his bill embodying the principles of the Torrens system, the most powerful and eloquent argument I have ever listened to on the floor of either House. The time was not then ripe, but his labors then and since have now borne their fruit. With such equipment it has been a labor of love to prepare this guide book to the proper understanding and

administration of the law which he did so much to put on the statute books.

The book not only contains an annotated copy of the act itself, but answers with vigor and ability the criticisms based upon grounds of legality and expediency to which the act has been subjected. I think Mr. Massie has made a valuable and permanent contribution to the literature of the law.

RICHARD EVELYN BYRD.

Mountain Lake, Virginia, August 5, 1916.

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FOREWORD

It has always seemed to the author that members of the bar owed certain duties to the Commonwealth and to their profession as well as to themselves and their families, and being imbued with this impression he had long desired, if possible, to pay at least a portion of this debt, for himself, to society. And having had his attention directed to the need for a healthy growth in the land laws, he became persuaded that the greatest service he could render the State would be in procuring a statute for the adoption of the principles of the Torrens system into the body of our law. This conviction grew so strong that it has impelled him to devote a large part of his time during the last seventeen years to the accomplishment of this purpose. Through much that would have led to the abandonment of any low aim, he has held to his task with the conviction that some day his efforts would bear fruit. And now that the act for which he has labored has been written among the statutes of Virginia, he feels a definite sort of responsibility for its successful operation. He is confident that it will be freely used by the people as soon as they understand its beneficent features, but he realizes that the opposition with which he has had to contend will not willingly yield. Some will continue to do all they can to discredit the act, and will take pains to place every possible

obstruction in its path. But the public will not be slow to discover that there is "a reason" for such opposition, not based upon the public good nor designed for the public benefit. And the public will look to the worthy members of the bar, who always reflect honor upon their profession, to aid in the general use and inauguration of the Torrens system for the correction of hoary abuses and the relief of all who deal in lands from unnecessary burdens.

This monograph has been hurriedly prepared in an effort to popularize the Uniform Land Registration Act in Virginia. The author is keenly sensible of the many imperfections of his work, and hopes he may be able at some future time to make reparation by the production of a fuller and more serious treatise. For the present he must content himself with this little manual which he submits to the indulgent criticism of his brethren and the public.

To his friend, Hon. Richard Evelyn Byrd, sometime Speaker of the House of Delegates of Virginia and now United States District Attorney for the Western District of Virginia, a gentleman who for his conspicuous services to the Commonwealth deserves the highest honor in her gift, and who both in and out of the Legislature has done much for the accomplishment of the author's hopes for the betterment of our land laws, he makes grateful acknowledgment.

The press of the State has been a powerful factor in the education of the public to the advantages of the Torrens system, and without its aid the Legislature could not have been brought to the enactment of the uniform statute. The author has been particularly indebted to the press of

Richmond for unfailing support in all his efforts. The *Southern Planter* has voiced the demands of the farmers for the statute, and among the number of public-spirited men who have done special work in the cause, mention should be made of Hon. Westmoreland Davis. Of the Richmond bar, Mr. George Bryan has always been a staunch and persuasive advocate. Among the bankers, Mr. Oliver J. Sands, Mr. Henry E. Litchford and Mr. James E. Tyler, Jr., have rendered effective services. Among the real estate men, Mr. John C. Easley has been a leader; and a host of others whose names cannot here be mentioned also deserve high credit for assistance unselfishly given upon many occasions.

Hon. Charles Thornton Davis, Chief Judge of the Land Court of Massachusetts, whose able administration of the Massachusetts Torrens Act furnishes an ideal model for all the States, has responded to every call made upon his experience in the most helpful manner, and the author is indebted to him for much constructive advice and guidance.

EUGENE C. MASSIE.

Richmond, Va., September 8, 1916.

The Uniform Land Registration Act.

CHAPTER I.

Historical Statement.

1. The "Land Question" has always been one of the highest importance to the happiness and prosperity of the human race. It may be said, in all reverence, to have originated with the eviction of Adam and Eve from the Garden of Eden; for since that day there has been a struggle among men and nations for the possession of the earth, and the soil has been held upon claim of title originally based upon might and only very gradually regulated by law. There are many who to this day deny that it has ever been regulated by right.

LAND LAWS.

2. No department of law has had such slow development among the Anglo-Saxons as the laws governing real estate. At times they have seemed as immutable as "the everlasting hills" with which they deal. A history of the growth of English land law would be an intimate account of the gradual growth of the great unwritten English Constitution. Every advance towards liberality and enlightenment has been marked by the pangs of a new birth, and no real progress has ever been made, except after a life and death struggle. As an illustration we need only mention the prolonged and painful battles to uproot the Feudal System, continued throughout the centuries.

SIR ROBERT RICHARD TORRENS.

3. Passing over the labors of others, the man who has done most for his race in these endeavors was Sir Robert Richard Torrens, an Irishman born at Cork in 1814. In 1840 he emigrated to South Australia, and became Collector of Customs at Adelaide in 1841. In January, 1852, he was appointed Colonial Treasurer and Registrar General; and when the Colonial Government was established in 1857, he represented the city of Adelaide in the House of Assembly, and became the first Premier of South Australia. His duties as Collector of Customs having made him familiar with the shipping laws, about the year 1850 he conceived the idea of applying their principles to the registration of title to land. He was not a lawyer, and labored for eight years to get his system adopted. Finally on January 27, 1858, what had grown to be known as the "Torrens Act" became the law of South Australia. From there, in one form or another, it has spread all over the English speaking world.

THE TORRENS SYSTEM.

4. The purpose of the Torrens System is to make transactions in land as easy, quick and cheap as transactions with personal property; and to make titles to lands as certain and discernible and as readily transferable as title to personal property. This will work a revolution in all the methods of dealings with land, and the Torrens System has therefore been bitterly fought wherever it has been proposed. Virginia has furnished no exception to this rule. The matter was first brought before the Virginia State Bar Association by the author in 1899. In 1901 a Joint Resolution of the General Assembly was procured for the appointment of a commission to draft a bill for future consideration. Meantime the last Constitutional

Convention assembled in the city of Richmond and, at the instance of the author, the following provision was embodied in the present Constitution of Virginia:

Section 100. The General Assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer, or assurance of titles to land in the State or any part thereof.

In January, 1903, the first bill drawn by the author, who had been made Chairman of the Legislative Commission mentioned above, was introduced in the legislature by Senator W. B. McIlwaine, of Petersburg.

THE AMERICAN BAR ASSOCIATION.

5. In August, 1903, the American Bar Association met at the Hot Springs of Virginia immediately succeeding the meeting of the Virginia State Bar Association. The Virginia Torrens Bill was under discussion in the Virginia Association, and one of the fruits of that discussion was the appointment of a committee by the Conference of Commissioners on Uniform State Laws to report upon the feasibility of drafting a Uniform Act on the subject. The matter was discussed by commissioners from year to year, until in 1912 the draughtsman of the Virginia Bill was made Chairman of the Torrens Committee of the Conference. In the meantime the original Virginia Bill had been pending in every legislature of Virginia since 1903, and had been subjected to the criticism not only of lawyers in Virginia, but of lawyers and publicists throughout the United States; and in passing through these fires it was being purged and refined. It was used as the basis of the First Tentative Draft for the Uniform Land Registration Act presented to the National Conference of Commis-

sioners on Uniform State Laws at their Twenty-third Annual Conference held at Montreal in August, 1913. A Second Tentative Draft was presented to the Conference at its Twenty-fourth Annual Meeting held in the city of Washington in October, 1914. And in August, 1915, the Third Tentative Draft was presented in the Conference in its Twenty-fifth Annual Meeting held at Salt Lake City, having been brought up to the standard of form recommended by the Committee on Drafting of Legislation of the American Bar Association, through the skillful and devoted labors of Dean John H. Wigmore, of the Northwestern Law School of Chicago, who had long been a member of the Conference Land Registration Committee. Other members of the committee rendered valuable service, and finally their labors were rewarded by the adoption of said Third Tentative Draft with certain amendments, after a prolonged and thorough discussion. It was this Act, known as the Uniform Land Registration Act, drawn by a Virginian, after a study of all the land registration acts in the United States as well as the original Torrens Acts of Australia, which was presented to the Virginia legislature of 1916 and which has now become a part of our laws. (Acts 1916, c. 62, p. 70).

THE UNIFORM LAND REGISTRATION ACT.

6. The Uniform Land Registration Act is an adaptation of the Torrens System to the Constitution and laws of the United States. The Torrens System was original with Sir Robert, but in the brief of Attorney-General Knowlton in the suit of Tyler *v.* Judges, 175 Mass. 71, it is stated:

"Registers of ownership have existed from time immemorial in Bohemia. In Vienna, registers of 1368 are still preserved; in Prague, of 1377; in Munich, of 1440. In the Rhine provinces the present system of registering titles was introduced comparatively recently.

"Registration of title was made universal in Austria in 1811; it was adopted in Saxony in 1843; in Hungary in 1849-'56, and in Prussia in 1872."

TORRENS ACTS IN THE UNITED STATES.

7. In the United States we now have the following acts based upon the Torrens System:

(1) In Illinois in 1897 (Laws 1897, pp. 165, 207-212; Laws 1903, pp. 121-123).

(2) In California in 1897 (Statutes 1897, c. 110, pp. 138-167; General Laws, pp. 1219-1257; Statutes 1915, pp. 1932-1951).

(3) In Massachusetts in 1898 (Acts 1898, pp. 682-722; Revised Laws 1911, c. 128).

(4) Minnesota in 1901 (General Laws, pp. 348-378).

(5) In Oregon in 1901 (General Laws, 1901, pp. 438,-467).

(6) In Colorado in 1903 (Laws 1903, pp. 311-352; Rev. Stats. 1908, pp. 334-355).

(7) In Washington in 1907 (Session Laws 1907, pp. 693-738).

(8) In New York in 1908, pp. 1247-1283; Consolidated Laws 1909, pp. 3459-3496; Laws 1910, c. 627; Laws 1916 c. —.)

(9) In North Carolina in 1913 (Acts 1913, pp. 147,-159).

(10) In Mississippi in 1913 (Laws 1913, pp. 159-173).

(11) In Ohio in 1913 (Laws 1913, pp. 914-960).

(12) In Nebraska in 1915 (Laws 1915, pp. 494-526).

(13) In Virginia in 1916 (Acts 1916, c. 62, p. 70).

(14) In South Carolina (Acts 1916).

To these may be added the following possessions of the United States:

(1) Hawaii (Laws 1903, pp. 273-328).

(2) Philippine Islands (Compilation Laws 1908, pp. 777-820).

It is also interesting to note that an act has twice been passed by the legislature of Utah, once in 1907 and again in 1915; but upon both occasions it has been vetoed by the governor; in the first instance, because an entire line in a vital part of the act was omitted in its engrossment, and from other considerations in the last instance.

CHAPTER II.

Practical Points.

1. The Uniform Land Registration Act went into effect in Virginia on June 19, 1916, but operations under it were delayed until after the promulgation of rules of court and forms of procedure by the Supreme Court of Appeals under Section 10 of the Act.[1]

APPLICATION OF THE ACT.

2. The Act was made immediately applicable by the legislature to forty-two counties and five cities, as follows:

Counties.

Albemarle	Louisa
Appomattox	Lunenburg
Bedford	Mathews
Botetourt	Mecklenburg
Brunswick	Middlesex
Buckingham	New Kent
Campbell	Orange
Charles City	Powhatan
Charlotte	Prince Edward
Chesterfield	Prince George
Cumberland	Princess Anne
Dinwiddie	Prince William
Fairfax	Rappahannock
Fluvanna	Roanoke
Goochland	Southampton
Greensville	Spotsylvania
Halifax	Stafford
Hanover	Surry
Henrico	Sussex
James City	Warwick
King William	York

[1] Complete sets of forms and all necessary books required by registrars, specially ruled and made for registration purposes, can be obtained from Everett Waddey Company, Inc., Publishers and Printers, Richmond, Va.

CITIES.

Fredericksburg	Richmond
Petersburg	Williamsburg
Portsmouth	

It may be made applicable to any other county or city in Virginia when "so determined by the votes of a majority of those voting for or against the adoption thereof at any general or special election to be held in such city or county, after notice thereof shall have been duly posted for at least thirty days at each voting precinct in such city or county by order of the judge of the corporation court of such city or the circuit court of such county upon the petition of one hundred freeholders residing in such city or one-sixth of the qualified voters residing in such county, the question to be submitted by ballots upon which the words "For Land Registration" and "Against Land Registration" shall be printed, and one or the other of said expressions being stricken out as the voter may favor or oppose the act. But no such election shall be held oftener than once in two years." (Acts 1916, c. 62, sec. 89).

NOT COMPULSORY.

3. The Act is not compulsory upon anyone, but every individual is left perfectly free to determine whether or not he will bring his land under it. (Acts 1916, c. 62, sec. 89a).

A NEW METHOD OF CLEARING TITLE.

4. The Act affords a new method of clearing up a title. It gives the quickest, the surest and the cheapest way of removing clouds from titles. You can straighten out a title under it which you might never be able to perfect under the old laws.

GUARANTEED TITLE.

5. The Act gives you a new method of having your title absolutely guaranteed, with a guaranty which practically

has the State behind it and will last as long as law shall last. And this will be true even though the Act itself should be repealed. (Acts 1916, c. 62, § 76).

NEW METHOD OF DEALING WITH LANDS.

6. The Act gives you a new method of dealing with your land, and will enable you to pass title quickly, certainly, and cheaply. You will not have to pay a lawyer to examine your title every time you wish to borrow on it, nor will any purchaser from you have to pay a lawyer to examine the title for him. When your land is registered, the court will give you an Owner's Duplicate Certificate of Title which can be used as collateral, or transferred, pretty much like a registered stock or bond.

TAXES KEPT STRAIGHT.

7. The Act will keep all taxes straight on registered land. All taxes are ascertained and settled when the land is registered, and any delinquent taxes thereafter are registered on your certificate.

NO FORFEITURE.

8. The Act will prevent your land from being forfeited for delinquent taxes without your knowledge. This frequently occurs under the old land laws, but there will never be any *forfeiture* under the Uniform Land Registration Act. It will tend to put the *land-grabber* out of business.

A BUSINESS PROPOSITION.

9. The Act is made for business men and will be used for business purposes. No one will have his land registered unless he thinks it will pay him to do so. But, men will soon find that it does pay to have land that can be readily used in business. Torrens titles will be preferred by all banks for loans, and may be required for loans under the Federal Farm Loan Act.

SHORT LOANS AND SMALL LOANS.

10. The Act will enable you to get *short* loans and *small* loans on your land, just as may be needed, without paying a heavy brokerage for an unnecessarily long or large loan.

FREEDOM.

11. In other words, the Act will enable you to deal with your real estate almost as cheaply and quickly and freely as if it were personal property.

FRAUD PREVENTED.

12. The Act gives additional securities against *fraud* in transactions with land.

CHAPTER III.

What Will Registration Cost?

1. Some persons have been trying to persuade the people that it will bankrupt the State and all of its citizens to register all the titles to lands in Virginia. They sneer, or smile very significantly, and predict the failure of the Act in the most confident manner. When you meet such a person, ask yourself in the first place whether he has any interest in the failure of the Act? And then ask him whether he can cite a single instance in which any State or country has ever given up its Torrens Act after having adopted it? And then ask him whether he can cite a single State which has adopted it in which it is not growing steadily in favor and use? If he sticks to the facts, you will have him impaled, for he will be compelled to answer No to both these questions. And then you can reflect how often it is true that the wish is father to the thought. It is true that there are some very poor acts in some of our States. They were made so on purpose by enemies of the Torrens System, who have sowed all the tares they could. And you can readily understand that operations under an act may be obstructed by "jokers" and burdensome provisions. But we have a good act in Virginia, and in due time it will bring forth good fruit.

A PERMANENT IMPROVEMENT.

2. It is quite natural that everyone should ask, What will it cost me to have my title registered? And it must be frankly admitted that this question cannot be precisely answered at this time. Until the matter has been tested and proved by actual experience in a number of registration cases in Virginia, any answer will be little better than a guess. This, however, can be affirmed in general terms:

It will not cost much more than several examinations of title will cost you if you do not have your title registered. Suppose you ask yourself this question: Do I thoroughly understand what the registration of my title will mean to me? The answer is, It will mean a *permanent improvement* to your property. And it is the only genuine permanent improvement that can be made to land. You have been in the habit of thinking of buildings and fences as permanent improvements. But what are the facts? Is there anything permanent about the most modern, substantial and fireproof building you have ever seen? How long will it stand before the carpenter, the bricklayer, the stone mason, the tinner, the slater, the painter, the plumber, the decorator, the plasterer, the paperhanger, the tile layer, the electrician, the machinist, and perchance, the architect must be called in for repairs? When you erect such a building the only thing you have permanently done has been to increase your taxes. Some men boast of the improvement of the soil as a permanent improvement. But how long will the richest soil remain in good condition unless constantly kept up to a high state of fertility? The richer it is the ranker will be the growth of weeds unless properly cultivated. And how soon it will be exhausted by the roguish or indifferent husbandman! When you come to think of it calmly, there is but one *permanent improvement* that can be made to land, and that is, the registration of its title under the Torrens System. You must be willing to pay for this permanent improvement in proportion to its value. Compare its cost with the cost of a yard fence, a respectable chicken-house, a corn crib, a stable, or a garage.

COSTS INCURRED ONLY ONCE.

3. If your title is good it will not cost you much more to register it than to have it examined once or twice. If it is

not good, if clouds must be cleared, or if it is like a tangled skein, the extra costs should be charged not to the Torrens System but to the old system under which it got into that condition. And remember, that the cost of initial registration, even though it should seem high, will never be incurred but *once*. After that all subsequent costs in dealing with your land will be almost nominal, and you will have a commercial article fit for use in all the avenues of trade and business.

IT WILL PAY YOU.

4. It will pay you to have your title registered:

(1) If you wish to be certain of a home no one can take from you or your wife and children.

(2) If you wish to use your land as a business asset.

(3) If you wish to sell your land at the best price.

(4) If you wish to keep your title secure from the land-grabber.

(5) If you wish to make a genuine permanent improvement to your property.

CHAPTER IV.

The Record System and the Registry System.

1. It has long been admitted by thoughtful students and evident to all who have had any dealings in real estate that reform in our land laws was badly needed. The only questions have been, how should it be made and to what extent should it go? Could satisfactory results be obtained by amending the existing law? Or must a new system be adopted? No answer to these inquiries could be given without a consideration of the difference between what may be termed the "record system" and that which is properly termed the "registry system."

THE RECORD SYSTEM.

2. The first legislative assembly on American soil met in the old Colonial Church at Jamestown, Virginia, in June, 1619, when Sir George Yeardley was governor,—more than a year and a half before the Pilgrim Fathers landed in the *Mayflower* at Plymouth Rock, Massachusetts. It was composed of twenty-two burgesses and sat for five days. It was during this brief but memorable session that the House of Burgesses petitioned the London Company that every man might own the land he cultivated. And in January, 1639-'40, the Grand Assembly of Virginia passed the following law:

Act xvi.

A deed or mortgage made without delivery of possessions to be adjudged fraudulent unless entered in some court. (1 Hen. Stats. at Large, 227).

This was the beginning of the Record System in America, which Virginia enjoys the honor of having inaugurated.

The Record System requires evidences of title to be recorded where the land lies, and makes such record notice to third parties. It deals only with evidences of title, and record is constructive notice. But many incidents that affect title are not required to be recorded. Thus there is no record of the heirs of decedents, and none of adverse possession. Title may also arise by decree of court unrecorded in the deed books; by unrecorded marriage; and by unrecorded will or deed subsequently recorded within the periods allowed for recordation thereof. There are also those mysterious creatures known as equitable titles, which may arise in many ways, and whose birth and existence may not be shown by recordation. It is therefore impossible to get full information from the public records, and they are to this extent in the nature of a snare. Without looking any further it is apparent that two inherent defects lie at the root of the record system:

First. It deals simply with evidences of title.

Second. It does not require all evidence of title to be recorded.

The results are endless searches of all the records every time any transaction is desired, and lack of certainty after the search is made. The search involves the work of an expert who must assume grave responsibilities. He requires time for his labor and must be paid in proportion to the nature of the service rendered and the assurance given. The transfer of title to real estate is, therefore, slow, cumbrous, expensive, and uncertain. Hence such property is rendered undesirable for general investment, unavailable as a source of credit with banks, and wholly unsuited to the commercial demands of the twentieth century. This naturally restricts its market and inevitably depresses its value. Thus every individual owner is injured, business is fre-

quently cramped where it might otherwise be expanded, and the Commonwealth suffers in the comparatively small returns from taxes.

THE REGISTRY SYSTEM.

3. The distinction of the Torrens System is that it registers title, instead of mere evidences of title. Thus it deals with the thing itself, and every transfer is a transfer of actual title. Therefore, there is no need of looking backward, but every step is forward and taken with certainty, celerity, and cheapness. No expert is required to ascertain or explain conditions under ordinary circumstances, and if there be any extraordinary circumstances plain warning is given on the face of the certificate of title. Everything is there put down in a clear and concise manner, and nothing can affect the title except what is so registered. Laymen and business men are thus enabled to deal with real estate with a freedom similar to that with which they now deal with registered certificates of stock and bonds. Thus capital is no longer buried when invested in real estate, and many a man who is now unable to buy a home because he cannot withdraw from his business the sum required for such a purchase will be enabled to provide a home for his wife and children; for registered real estate will become a well-recognized and desirable source of credit. Many a man will also be saved from bankruptcy and enabled to preserve a home for his family in times of financial stress by the credit derived from his real estate. Also men of small means whose fortunes are practically all invested in their homes, will be able to secure small loans and short loans,—so often necessary for the relief of present distress. Such a thing is now out of the question. How many loans are now made on real estate for three months, six months, nine months, or even a year? How many loans are now

made on real estate for $100.00, or $200.00, $500.00? Such transactions are unheard of under our existing laws, on account of expense, delay, and uncertainties. But they are frequent in countries where the Torrens System prevails. Is it fair to place the poor man in this condition? Is it not really depriving him of his property to the extent that he is deprived of its free use? It doesn't make so much difference to the man of wealth, because only a small or infinitesimal part of his fortune is invested in his home. But the man of small means, that lowly individual who helps to constitute the vast majority of our citizens, may have all his possessions tied up in his humble cottage. The old land laws therefore bear with peculiar hardship upon the great majority of our people, and the good old Democratic doctrine of "the greatest good to the greatest number" inclined the legislature to favor the Torrens System.

CHAPTER V.

How the Torrens System Affects Farmers.

1. The chief asset of people in the country consists of land. It ought to be a valuable asset and one that could be readily dealt with at the command of the owner. If you own a farm, it is yours and you ought to be able to do with it what you please. *In the first place* you should be certain that you have a good title to your land; *second,* you should be able to show your title at any moment without being put to any expense in the matter; and *third,* you should be able to produce this evidence in such form as to convince the inquirer that your title is good, without his being put to any expense in the matter.

WHAT THE STATE OWES YOU.

2. The State requires you to pay taxes on your land every year at a valuation fixed by her officers for that purpose. If you fail to pay these taxes promptly, a penalty of 5 per cent. is added and interest also runs on the debt. Furthermore, the State will levy on your personal property for satisfaction of her taxes; and if you continue delinquent, she will sell your land and deprive you of your title. We will consider hereafter the unjust and cruel provisions of our present tax laws and the oppressive results of tax sales; at present it is enough to note the fact that the State undertakes to deprive you of all your title to lands that may be fairly worth thousands of dollars, and to confer this valuable property upon another in consideration of delinquent taxes of any amount whatsoever—it matters not how trifling the sum may be. Moreover, if the State herself, or any city, town, or county wants your land; or if any railroad company, telegraph company, telephone company, or

any other company for internal improvement wants your land; or even if anyone who wishes to establish a mill and build a dam, wants your land—the State can take it away from you and compel you to sell for such price as may be determined in summary proceedings for condemnation. And this she can do whether you want to sell or not. Now what does all this mean? It means that the State regards herself as the ultimate owner of all the lands within her borders; and if you trace your title back to its original source you will find that it is based upon a patent or grant from the government. In other words, the State has always claimed to be the sovereign owner of her lands, but has undertaken to confer title thereto upon certain of her citizens subject to what she terms her right of eminent domain. This title conferred upon her citizens has never been a free gift, but has always been in return for what the State regarded as a fair and valuable consideration—usually in money, but some times in blood and services for her development and defense. In this way our worthy citizens have been induced to devote their lives, their energies, and their substance to the upbuilding of the State. They have repaid in taxes many times over the value of the lands granted by the State, and they have made the State what she is.

WHAT THE STATE SHOULD HAVE DONE.

3. Therefore they had the right to expect and demand that their titles should be safe-guarded and guaranteed by the State; that she should pass such laws as would enable them to enjoy their possessions in security; that she should pass such laws as would enable them to deal with their property freely; that she should pass such laws as would relieve them from all unnecessary expenses in transferring title; that she should pass such laws as would put

an end to any unjust *forfeiture* of any man's land; and that she should pass such laws as would operate as a guaranty of all titles to lands that might be brought under the law for that purpose.

WHAT THE STATE HAS NOT DONE.

4. It is clear that the State should have done these things. It is equally clear that she has never until recently undertaken to do any one of them. Land titles have never heretofore been safe-guarded and guaranteed by the State. She has frequently granted the same land to different parties and accepted taxes from both. Did you ever hear of any such taxes being returned? Owners have never been enabled to enjoy their lands with anything like perfect security, because our laws have never afforded any means of establishing absolute title against all the world. The State has simply allowed owners to record evidences of their title, and has never, until the Uniform Land Registration Act was adopted, permitted them to register the title itself. The cumbrous methods, the delay, the costs of transferring title to lands, are notorious. Compare these difficulties with the ease, the quickness, the cheapness, by which the title to personal property of all sorts may be transferred, and you will realize how your freedom has been curtailed in the enjoyment of real estate. And when you come to the question of taxes, you will doubtless have no difficulty in recalling cases in which the lands of your neighbors or friends have been practically forfeited for a paltry sum of delinquent taxes of which they may have had no knowledge.

WHAT THE LEGISLATURE OF 1916 HAS DONE.

5. The legislature of 1916 undertook to correct these evils. Fortunately they did not have to make any wild experiment. The subject had all been threshed out and the

problem had already been solved by the great mass of English-speaking peoples. THE TORRENS SYSTEM OF LAND REGISTRATION HAD BEEN FOUND TO BE AN EFFECTIVE MEASURE FOR THE RELIEF OF THE PEOPLE. Its principles had been tested in twelve of the United States, and the Uniform Land Registration Act, drawn by a Virginian, had been recommended by the National Conference of Commissioners on Uniform Laws. At the urgent demand of the people, and particularly of the farmers, the legislature of 1916 distinguished itself by adopting this law. (Acts 1916, c. 62, p. 70).

WHAT IT WILL DO FOR THE FARMER.

6. The Torrens System will enable the farmer to utilize his property fully and freely. There are many occasions when people in the country need ready money for business purposes or family necessities. Sometimes they wish to sell, but oftener they find it advisable to borrow. A Certificate of Title under the Torrens System will be a great advantage in either event. Sales will be easier, because the purchaser can tell from the certificate exactly how the title stands and will know that he is not buying a law suit; because the whole transaction can be speedily and certainly closed; and because no examination of title will be necessary and the costs of the transfer will be small. Loans will be easier, because the borrower can use his certificate as security and will not have to be running around to find some friend who will be kind enough to endorse for him; and because the banks will be glad to get certificates as collateral security. If the names of people in the country who have been ruined by endorsing or going security for friends could be collected in a modern Doomsday Book, the record would be appalling. The Torrens System will go far towards cutting up this evil by the roots. When you come to

think about it, why shouldn't the man in the country be able to use his property as freely and get as much out of it as the man in the city does out of his property? The city man buys stocks and bonds, and they are a source of ready credit to him. The country man has the best and most solid form of property—something that has an intrinsic value and is besides productive of many values—that which is indeed, the foundation of all values. This Torrens System will enable him to enjoy and use this property as he has the right to do. The removal of restrictions, costs, and discriminations will encourage dealings in lands, and capital will seek this form of investment more freely. The market value of lands will improve when all questions of title are removed, and when transactions can be had without risk, cheaply, and speedily. The Torrens System will also prevent the forfeiture of any man's land for delinquent taxes. No sale can be made without full notice, under the Uniform Land Registration Act. Final sale must be made on the premises after due advertisement, as foreclosure under a deed of trust; and absolute title will be passed to the purchaser. The property will thus bring its full market value, and the proceeds will be equitably distributed so that the former owner will not be robbed, but will get whatever may be due him out of the proceeds.

THE FEDERAL FARM LOAN ACT.

7. One of the conspicuous achievements of the administration of President Woodrow Wilson, a Virginian who has safely guided the country through the most disastrous period the world has ever known, has been The Federal Farm Loan Act which became a law by his signature on July 17, 1916. This act is the fruit of long study by one or more Federal Commissions on Rural Credits. Senate Document No. 380 of the Sixty-third Congress, Second

Session, 1914, giving the report of one of these commissions contains these significant words:

"Every student of the subject must conclude that the States should adopt some system of State guaranty of title, as, for instance, the Torrens System. It is against the best interest of the general public to have possible legal disputes over the ownership of land. * * * Some American States have taken the first step, and the United States Government has recognized the principle by prescribing the Torrens System for the Philippine Islands." (p. 18).

And in the report of the Committee on Banking and Currency, concerning Rural Credits, to the Sixty-fourth Congress, First Session, on February 15, 1916, we find this paragraph:

"It is well understood that the laws in the several States vary as to land titles, registry, exemptions, homestead rights, foreclosure, and equities of redemption. It is therefore made the duty of the farm loan board to investigate these questions in each State and to declare mortgages ineligible as security for farm loan bonds in those States where the laws do not give adequate protection to those loaning on first mortgage. Very few, if any, States will fall within this rule, and they will doubtless amend their laws promptly in order to bring the benefits of the farm loan system within reach of their citizens." (Senate Calendar No. 135, Report No. 144, pp. 12-13.)

In other words, the States are put on notice that they must adopt the Torrens System if they wish to "bring the benefits of the farm loan system within reach of their citizens." We may, therefore, congratulate ourselves that Virginia has been the first State to adopt the Uniform Land Registration Act. For it is made the duty of the Farm Loan Commissioner by section 30 of the Federal Farm Loan Act to examine the land laws of the States to see if they are suitable for operation under this act; and

the Federal Farm Loan Board is given the power to declare lands ineligible for loans until the State laws shall be made suitable. Thus Virginia will have a distinct advantage over other States which have not adopted the Torrens System; and if any farmer wishes to take advantage of the Federal Farm Loan Act he should have his land registered as soon as possible under the Uniform Land Registration Act.

CHAPTER VI.

How the Torrens System Affects Business Men.

1. We will now consider how the Torrens System will affect business men, and our view will extend to those in the country as well as to those in the towns and cities.

THE HOMES OF BUSINESS MEN.

2. In the first place every business man wants a home. You not only want a home, but you want a home of your own. That early English authority, Sir Edward Coke, great as a lawyer and renowned as a judge, announced this grand sentiment: "For a man's house is his castle;" and to this he added some Latin words, *"et domus sua cuique tutissima refugium,"* meaning "and for everyone his home is a place of safest refuge"—sentiments cherished by the people and honored by the law since the sixteenth century. You have the right, therefore, to be certain that the title to your home is good. This at least you should demand of the law. And you may further demand that the law shall not place any unnecessary obstructions in the way of your acquiring a home. Our old land laws not only fail to give any assurance of title, but erect many unnecessary obstacles in the path of the home-seeker by the antiquated, complicated, slow, uncertain, and costly proceedings required for the transfer of lands. The result is that capital invested in real estate is not only sluggish, but practically buried in many instances. You feel this, and hence you hesitate about putting your money in realty, and until you accumulate large means you do not dare to buy your own home. Is it not a fact that many a business man would buy a home for his family, if he felt he would not be withdrawing that amount of capital from his business abso-

lutely? The Torrens System will relieve you from this anxiety. It is a fact that capital invested in land under our old laws is more or less absolutely withdrawn from business; and it is a fact that capital so invested under the Torrens System will not be so withdrawn. If you have any doubt about the latter proposition, you have only to consult the experience of business men in those countries in which the Torrens System has been tried and is in active operation. For instance, the statistics from Queensland, where out of 13,000,000 acres all but 16,566 acres had been brought under its Torrens Act in 1899, show that more than 41 per cent. of all mortgages were for sums not exceeding $500.00, and that more than 28 per cent. were for sums ranging from $500.00 to $1,250.00.

EVIDENCES.

3. If you wish evidence from some countries nearer home, you can consult the records in Illinois, Massachusetts, and Minnesota.

In Cook County, Illinois, more than $15,000,000 worth of property had been registered in March, 1903. This embraced 1,500 tracts chiefly of small values. From 1899 to 1914 inclusive, there had been 19,268 transfers of registered lands valued at $30,574,368.88; and within the same period the encumbrances of registered lands amounted to 14,334, representing a total of $30,615,843.65. This illustrates the freedom given by the Torrens System to all transactions with land.

A letter dated August 17, 1916, from Hon. Joseph F. Connery, Recorder of Deeds, says:

"I wish to state for your information that up to and including the present date, the total number of registrations are seven thousand. We estimate the value of the property at about $120,000,000.00. During the year 1907 there were 1,200 transfers; 1908, 1,100 transfers; 1909, 1,500

transfers; 1910, 1,800 transfers; 1911, 2,100 transfers; 1912, 2,265 transfers; 1913, 3,300 transfers; 1914, 3,800 transfers; 1915, 4,200 transfers, and for the year 1916 we expect to break the record in all departments."

In Massachusetts lands assessed at $56,682,216 had been registered up to January 1, 1916, and there had been frequent transactions with every piece of land registered. It was estimated by Hon. Clarence C. Smith, Recorder, that there were 25,000 Massachusetts certificates of title outstanding in August, 1916. The Minnesota Act became operative in Ramsay county in 1902, and 5,280 tracts valued at $6,250,000 had been registered prior to January 1, 1905, with which there had been 1,400 transactions since registration.

We can show you a Massachusetts certificate involving two lots upon which seven transactions are registered between February 25, 1901 and June 15, 1901. One of these transactions was a mortgage of $3,000.00 for four months, another a mortgage of $4,000.00 for four (4) months. Then one lot was sold; the first mortgages were released, and two other mortgages were made upon the remaining lot, one of $3,000.00 for six months and finally one of $5,600.00 for five years. Who ever thinks of making a loan for three or four months on real estate in Virginia? You can't do it under our present laws on account of delays and costs to be encountered. But the facts mentioned above demonstrate how freely registered land may be used as a source of commercial credit under the Torrens System, and prove that no business man need have apprehension about crippling his business by buying a home wherever the Torrens System may prevail.

THE BUSINESS OF BUSINESS MEN.

4. You may wish to know, however, whether the active prosecution of your business is affected in any other way by

the land laws. Do you have to credit your customers? If so you will certainly be benefited by any law that will enable them to give you good security. Merchants suffer terribly, especially in the country, from the credit system. They rarely require security because their patrons are unable to furnish it readily. No man gives a deed of trust now unless he is hard pushed, and it is usually a sign of financial weakness. If a man pledges his stocks and bonds, no shoulders are shrugged, no eyebrows are lifted. There are no evil squints and no predictions of impending failure. It is regarded as an ordinary business transaction, and excites no special comment. But let a man give a deed of trust, and the dome of heaven becomes a whispering gallery. Disastrous rumors fill the air, and often shake every foundation of credit until ruin stares him in the face. Nothing like this would happen if real estate were freed from its shackles and released from the dungeon dug by feudal law. When men deal freely with their lands as they do under the Torrens System, such transactions cause no surprise and afford no ground for reports of bankruptcy. Therefore merchants will not hesitate to ask for security, and their customers will not be afraid to give it.

NO FALSE CREDIT.

5. You frequently trust a customer because he is the reputed owner of real estate. His title may be worthless, and neither he nor you may know it. Or he may have parted with his title and you may not know it; or there may be judgments against it and you may not know it. To find out these things you would have to employ a lawyer; and even after the lawyer had examined the records he could not tell you certainly, because many things that affect title are not required to be recorded under our present laws. All

this will be different under the Torrens System. It will be simply impossible for any man to deceive you, and you can for yourself tell all about his title by examining his certificate—a thing that can be done in a few minutes. For nothing can affect the title except what is registered upon the certificate, and you need never give credit unless credit is deserved.

CHAPTER VII.

How the Torrens System Affects Real Estate Agents and Bankers.

1. It is easy to understand that real estate agents who deal altogether in lands must be affected by whatever controls the commodity to which their business is confined, and it takes but little consideration to discover that bankers whose business is based on credits must be likewise affected by whatever contracts or enlarges the basis of credit.

FRIENDS OF THE COUNTRY PEOPLE.

2. You may have heard some thriftless or embittered persons sometimes describe the banker as a "Money Shark" and the real estate agent as a "Land Shark," but whenever such expressions are used you have no difficulty in understanding what is the matter with the speaker. You have never heard a thrifty or successful man, nor one actively engaged in the up-building and development of his community speak in that way. You have never heard a man whose credit was good or who had real estate of any value for sale, attempt to discredit the men who furnish the sinews of trade and promote the progress of the country. You have never heard a man trying to get a loan on honest business principles call his banker a "Money Shark" when seeking cash to push his business, and you have never heard one who was trying to sell a good title call his real estate agent a "Land Shark" when he brought him a purchaser at a fair price. But when a man has worn out his credit, frittered away his property, and run his shoes down at the heels, then he begins to denounce those who are required by the law of self-preservation to

insist upon strict business principles in the conduct of their business. Without these principles, how long would the strongest bank in the world retain its integrity and continue able to aid commerce and extend trade? Bankers and real estate agents are among the best friends of the people and never fail to help those who help themselves. They have been the backbone of every great enterprise in this country. So far from oppressing the people and devastating the land, they have always had sense enough to know that their welfare is dependent upon the general prosperity, and that honorable principles and honest dealings are necessary to their very existence. They would perish miserably like fish out of water, if they were really "Land Sharks" or "Money Sharks." No such creatures can long exist outside of a diseased imagination, and if you think you have seen one, remember that even the actual appearance of one or more freaks has never been taken seriously by sensible men.

WORLD'S REAL PROPERTY CONGRESS.

3. At the great World's Fair at Chicago in 1893 a Real Property Congress assembled with distinguished delegates from all parts of the world. In speaking of the Torrens System which had then been tried for many years in New South Wales, Dr. Renwick, the executive commissioner, said: "From personal experience, as the owner of property, and one who had had varied experience with the old and the present systems of transfer of land in New South Wales, I consider the Torrens Act one of the greatest boons conferred on the people of our country. Although at first the members of the legal profession were opposed to it, the general feeling of lawyers and conveyancers is now decidedly and unanimously in favor of the provisions of the Torrens Act." At the same time, Mr.

J. H. Mason, president of the Canada Permanent Loan and Savings Company at Toronto, said: "For nearly forty years I have been intimately associated with an institution to supply capital to owners of real estate. The difficulties, vexations, delays, expense and uncertainties attending the old method of transfer have made a deep impression on me. For a long time I was led to believe that there was something inherent in land which prevented it from being dealt with like other kinds of property, and that, like taxes and death, the evil was inevitable and must be endured." But he added that, notwithstanding much opposition, the Torrens System was adopted by the Legislature of Ontario in 1884, "and is now universally admitted to be a great improvement on the old system." "People would as soon think of giving it up and going back to the old system," said he, "as of replacing the electric lights with tallow candles."

WHAT MR. JOSEPH BRYAN SAID.

4. This reminds us of what the late Mr. Joseph Bryan said in an interview published in the *Times-Dispatch* on March 4, 1903, when a number of prominent citizens were expressing their views about the Torrens System. Mr. Bryan was confident it was one of the best proposals ever made for the business interests of the State, and remarked: "My dear sir, the present method of the transfer of real estate is 100 years behind the times. Compared with the Torrens System, it is like an ox cart beside a modern locomotive."

VIRGINIA REAL ESTATE ASSOCIATION.

5. It must be admitted that real estate men ought to know what will help lands. It is their business to sell and rent them, and they come in daily and intimate contact with owners and prospective purchasers of all sorts.

Whatever helps lands will help them. Whatever helps the owners of lands will help them. They know that good titles and quick, cheap and easy transfers are of fundamental importance. Therefore, at their first convention in December, 1903, they passed the following resolution:

"Being profoundly impressed by the need for reformation in our land laws, and believing that the Torrens System of land registration will add to the value of lands and promote the development of the whole Commonwealth, we respectfully urge the legislature to pass the pending bill on this subject. And further, that each and every member write or see his senator and representative, and urge the passage of this bill."

It was in response to such demands, and particularly in view of action taken by the farmers in their conventions, that the Uniform Land Registration Act was finally passed in 1916.

REAL ESTATE AGENTS.

6. If a real estate agent cares to get a practical idea how he will be helped by the Torrens System, let him recall the time he has wasted on bad titles, the commissions he has lost on sales in such instances, and the time he loses in every transaction in real estate requiring an examination of title. All this waste and loss will be saved under the Torrens System, for there will be no more bad titles and no more examinations of titles. You will be dealing with a commodity that can be handled quickly and with certainty, and consequently the net profits of your business should be increased.

VIRGINIA BANKERS' ASSOCIATION.

7. It was shown before the tenth annual convention of the Virginia Bankers' Association in June, 1903, that if our titles were certain and trustworthy and could be cer-

tainly and quickly transferred at reasonable costs, our real estate would be ample and available security for all the banking capital and bank deposits in the whole State of Virginia. We say *ample,* because the assessed value of buildings alone, as shown by the auditor's report for 1902, was one hundred and thirty-eight millions of dollars, while the total assets of all our banks were then only about one hundred and twenty-five millions, and we say *available* because these buildings are a productive form of property and would yield a fair return upon their assessed values. Recognizing these facts, the association passed the following resolution:

"Resolved, That the adoption of the Torrens System of Land Registration would, in our opinion, promote the development of the State and confer material benefits upon all our citizens, and we respectfully urge that the General Assembly of Virginia speedily exercise the special powers conferred upon it for this purpose by section 100 of the Constitution."

It took the General Assembly of Virginia from 1903 to 1916 to get up the speed demanded by this resolution of progressive bankers.

LAND VALUES NOW UNDER THE ACT.

8. The Virginia State Auditor's report for 1915 shows assessed values under the jurisdiction of the act as follows:

In the forty-two counties aforesaid:	
Buildings on lands	$ 28,441,994
Buildings on lots	11,423,571
Total real estate, improved and unimproved	97,660,460
In the five cities aforesaid:	
Buildings on lots	$ 69,414,728
Unimproved lots	49,874,489
Total improved and unimproved	$119,289,217

Thus we have within this territory the following real estate values:

(a)	In forty-two counties		$ 97,660,460
	In five cities		119,289,217
	Total		$216,949,677
(b)	Buildings:		
	On farm lands	$28,441,994	
	On town lots	11,423,571	
			$ 39,865,565
	In five cities		69,414,728
			$109,280,293

INCREASE OF BANKABLE CAPITAL.

9. It is assumed that the assessed value of these buildings, under the prevailing low assessments in Virginia, can be taken as a reasonable estimate of the total real estate values reduced to a safe basis for bank loans.

In other words, if the titles to this real estate be guaranteed by law and represented by registered certificates which can be readily used in commercial transactions, it is safe to say, upon a very conservative estimate, that the bankable capital of the above territory will be increased by at least $109,208,293.

The official report of all the Richmond banks made to the Comptroller of the Currency on December 31, 1915, showed total assets amounting to $83,231,648.

These figures indicate what would be the possibilities of business under the Uniform Land Registration Act if all the above lands were registered.

CHAPTER VIII.

How the Torrens System Affects Clerks and Sheriffs.

1. Let us look at this matter from the standpoint of the county officers, that worthy class of citizens in whom the people have shown their confidence and who certainly deserve consideration at the hands of our law-makers. Not that any law should ever be passed in the interests of officeholders at the expense of the people who confer the office and for whose benefit it should be sacredly administered; but that every public servant should be fairly treated and that the service required of him should be fairly remunerated.

PUBLIC OFFICE A PUBLIC TRUST.

2. The great doctrine that public office is a public trust began to be conceived when offices ceased to be hereditary or the gift of arbitrary power. That eloquent English orator and powerful writer, Edmund Burke, for whom England was indebted to Ireland as in so many other instances, foreshadowed the idea in his "Reflections on the French Revolution," and Thomas Jefferson is reported to have said in 1807: "When a man assumes a public trust, he should consider himself as public property." But it remained for the logical and incisive John C. Calhoun to define the principle clearly in a speech delivered on July 13, 1835. Said Senator Calhoun: "The very essence of free government consists in considering offices as public trusts, bestowed for the good of the country, and not for the benefit of an individual or a party."

CLERKS OF COURTS.

3. Under the Uniform Land Registration Act, all clerks of circuit and city courts with chancery jurisdiction are

made registrars, and all acts of registration are to be performed by them under the direction of their respective courts. All the proceedings for registration of titles are to be had in the circuit court of the county or chancery court of the corporation where the land or the greater part thereof lies. And all the records are kept in the clerks' offices of these courts convenient to the homes of those who own the lands. As nothing can affect registered land except what is registered on the certificate of title, the services of the clerk will be necessarily called into requisition whenever there is any transaction with registered land. The experience of Australia shows that the transactions with registered lands far outnumber those with unregistered lands, and, in the course of time, it will be the same case in Virginia. You can see that this must be so, because the Torrens System will reduce costs, prevent delays, and remove obstacles now encountered in the transfer of lands. It will open up new uses for real estate by rendering it an acceptable basis of financial credit, and tend to give it a ready market value by enabling it to become the subject of commercial dealings. In other words, the services of clerks will be multiplied and their fees will be proportionately increased. They will not only get more but better fees under the Torrens System, because the registration of transactions can be performed more quickly than the recordation of deeds under the old system.

DUTIES OF REGISTRARS.

Clerks of courts become registrars of title under the Uniform Land Registration Act, as stated above. They always act "under the direction" of court, which direction may be specially given or prescribed by general "rules and regulations" established for the conduct of business in their courts as courts of land registration. Their duties are summarized as follows:

Sec. 14. *Clerks to be registrars of title.*—The clerks of said courts shall be registrars of title under this act.

(1) They shall do all things required of them by this act under the direction of their respective courts, and pursuant to rules and regulations established for such courts, and shall be governed by the same general laws as clerks of circuit and city courts, in so far as the same may be applicable.

(2) Their official designation under this act shall be registrar of title for their respective counties or cities.

(3) They shall qualify and give bond in accordance with law for the faithful performance of their duties as such.

Sec. 15. *Duties and powers of registrars of title.*—Registrars of title and their deputies shall be authorized and required under the direction of their respective courts:

(1) To issue process and to enter the decree of the court touching lands in their respective counties or counties;

(2) To enter and issue certificates of title as provided herein;

(3) To affix the seal of the court to such certificates and their duplicates;

(4) To make entries and memoranda and perform all acts of registration affecting the title to such lands;

(5) To keep a separate account of all moneys with which they may be chargeable under this act, and to make a special return thereof in accordance with the general laws and the special provisions of this act.

(6) And generally to perform such other acts as the court may prescribe.

Registrars are charged with the official filing of all papers, including the notice of *lis pendens* (Secs. 23, 24), and every paper filed is to be numbered, dated, indexed and registered. They issue process and perform the usual duties of clerks in connection with all orders of publication (Sec. 27), and must send copies to all parties interested by registered mail (Sec. 28). If public rights are involved they give notice to the proper State, county or city attorney (Sec. 30), and must file certificates of service (Sec. 33). They enter all orders of court (Sec. 15) and make memoranda thereof (Sec. 47). They keep four books, a Land Registration Docket (Sec. 22), an Order Book (Sec. 39), a Register of Titles (Secs. 48, 50), an Entry Book[1] (Sec. 50). They register certificates of title and issue duplicates (Secs. 51, 52). They register transfer certificates and issue also duplicates thereof (Secs. 54, 55). They register all memorials and require production of owner's duplicate therefor (Secs. 56-59). They register trusts, conditions, limitations and other equitable interests and estates, but any transfer thereof requires a special order of court, except in cases of express power to sell or encumber (Sec. 60). Whenever any registrar is in doubt as to the proper registration to be made in any case, he may submit the matter to the court for special direction (Sec. 68). They collect the assurance fund and pay it into the State treasury (Sec. 80). Their fees are prescribed by section 88.

SHERIFFS.

4. Special duties are also required of sheriffs under the Torrens System, and it is believed that they will find it of advantage to themselves as officers as well as individuals.

[1] Clerks are advised that these books require special preparation. They may be obtained in approved form from Everett Waddey Company, Inc., Richmond, Va.

Process and notices under the act may be served by the sheriff as in other cases (Sec. 31). In addition, notices are required to be posted by the sheriff on each parcel of land involved (Sec. 29). They are also required to go upon the lands and to ascertain and report to the court the names and addresses of all occupants (Sec. 29), for which they are allowed a fee of one dollar (Sec. 88). They must file certificates of service (Sec. 33), and they are paid the usual fees for all services (Sec. 88).

CHAPTER IX.

How the Torrens System Affects County Treasurers and Surveyors.

1. Registration of title is a very different thing from recordation of deeds. A deed is simply a contract between the parties, and recordation adds nothing to it except in so far as it gives constructive notice of the contract to all the world. If there is any defect in the deed it is not cured by recordation, but its recordation actually perpetuates evidence of the defect. And so if there is any flaw in the title of the grantor a deed from him does not mend it, though recorded in the most solemn and expensive manner. A deed only conveys the title of the grantor, whatever that may be, good, bad or indifferent, and the only remedy the grantee has if he gets a bad title is that after he has lost it, he may bring a suit against his grantor to recover the purchase money under his warranty of title. This is the only remedy he has under our old land laws, but he is perfectly protected under the Torrens System, for the Torrens System does not content itself with recording evidences of title, but registers the absolute title and deals with the title itself in every transaction.

DELINQUENT TAXES.

2. You can see, therefore, that as a title registered under the Torrens System is absolute and good against all the world, it can only be originally registered in some judicial proceeding which will be binding on all the world. And before original registration can be made, all delinquent taxes are ascertained and must be paid. Thus you start under the Torrens System with a title clear of taxes, and this title will be kept clear under the provisions of the

Uniform Land Registration Act. No man can be deprived of his property for delinquent taxes under this act without the fullest notice, and no man's home will ever be forfeited for taxes if registered under the act. For as soon as any registered land becomes delinquent, the owner is notified by the clerk of the county or corporation and he is given ample time within which to pay. If he does not pay within three months, the land is sold by the treasurer subject to the right of redemption within two years. And if the owner fails, or is unable to redeem within two years, a final sale is then made by the treasurer just as if he were trustee in a deed of trust. The sale is made on the premises, after due advertisement in the newspapers, and absolute title is passed to the purchaser. The result is that the property will bring its full market value—a sound article is offered and a fair price may be expected. And the owner will get whatever he may be entitled to out of the proceeds of sale after paying taxes and charges, costs of sale, and discharging any liens he may have made or suffered against the property. This is just and equitable to the State and all parties concerned, but has never been done in this or any other State, so far as we know, and was never suggested until the Virginia Torrens bill was drawn. Everybody knows how unjust our present tax laws are, and how they work a practical forfeiture of the lands of the unwary and the homes of the poor. But no such forfeiture could occur under the Torrens System now in operation in Virginia, and this Commonwealth has the honor of being a leader among the nations in correcting a hoary abuse of the centuries.

COUNTY TREASURERS.

3. You will observe that sales for taxes are to be made by the county treasurers under the Uniform Land Regis-

tration Act (Sec. 66), and they will be paid the same commissions that trustees now get under deeds of trust, to-wit: Five per cent. on the first $300.00 and two per cent. on the balance of the proceeds of sale. Thus county treasurers have an official as well as a personal interest in the operation of the act.

COUNTY SURVEYORS.

4. The Torrens System will not only help the treasurers as shown above, but will also benefit the county surveyors. For the question of boundaries is an important one, and in order that the court may make no mistake in registering a title, the Uniform Land Registration Act provides that those who wish to have their titles registered must have their property surveyed (Sec. 39). It is expected that the court will generally appoint the county surveyor for this purpose, because the surveys should preferably be made by one man in each county, who will thus become familiar with all boundary lines and not do injustice to any one, and the county surveyor, appointed under the Constitution to make official surveys in the county, is naturally the man to do this work. His charges are reasonable, he knows the people and they know him, and his notes will be most accessible to those most interested in them. County surveyors are thus doubly concerned in the operation of the Uniform Land Registration Act and can do much to make it popular. Their surveys are to be made in accordance with rules of court, which must be thoroughly understood and followed by them.

CHAPTER X.

How the Torrens System Affects the Homes of the People.

1. We are now to touch upon a subject which concerns every householder, and we ask all men, without regard to their occupation or calling, to consider how they will be benefited by the Torrens System.

THOMAS JEFFERSON'S OPINION.

2. The world has recognized Mr. Jefferson as one of the wisest men this country has produced. With a mind at once penetrating and discriminating, thoroughly trained in all the processes of reasoning, equipped with the best knowledge of the ages, versed in the history, philosophy and laws of other nations, he was gifted with a genius for insight into the very heart of things. On a bright October day in the year 1785, when Minister to France, he was in the village of Fontainbleu. Far from his native land, doubtless sweet memories of his "Monticello" swept over him as he looked towards the blue mountains, and he determined to climb a neighboring peak. As he fared along the way he met a peasant woman who begged of him an alms, and when he bestowed upon her a small coin, he tells us: "She burst into tears of a gratitude which I could perceive was unfeigned because she was unable to utter a word." Contrasting the condition of the French peasants, unable to own their homes and impoverished by heavy rents, with that of even the lowliest freeman of America, and describing the scene above portrayed to a friend in Virginia, he wrote: "The small land owners are the most precious part of a State." (Writings of Thomas Jefferson, Vol. VII, p. 33.)

If this was true in 1785, you can see that the truth of the statement is more evident and of far more weight now than it was at that early day. For the tendencies towards the centralization of power and wealth are much more pronounced now than they were in 1785, and the ascendency of the rich over the poor would be more complete if it were not for that great body of citizens represented by the small land holders. These are the conservative, intelligent and uncorrupted voters who hold the balance of power and can make their influence felt in the State whenever aroused to express their will.

THE SMALL LAND HOLDERS.

3. The Torrens System is in all its details and operations especially designed to benefit the small land holders. It is not only contrived to help those who already own small tracts of lands, but will result in aiding many others of small means to acquire registered titles. You can see its benefits are general because it will make your title certain, it will greatly reduce the costs and charges attending the transfer of title, and it will enable you to borrow money upon your land quickly and cheaply. It will do more than this. It will enable you to borrow small sums for even thirty, sixty or ninety days, if you wish a short loan. Under our old land laws you know that these things are impossible. If you have any doubt that they are possible, and actual facts, wherever the Torrens System prevails, you have simply to examine the records of those countries in which titles are registered. Hon. C. Fortescue-Brickdale, B. A., of Lincoln's Inn, barrister and sometime registrar of the Land Registry Office under the Torrens Act in London, is an English authority on the subject. In his "Notes on Land Transfer in Various Countries" you will find these statements: Speaking of

Victoria, he quotes from a letter, "It is a matter of five minutes' search in the titles office to know if the land you are asked to advance on is already burdened and to what extent. There can be no doubt that the system has very much facilitated dealings in land, as it is worked cheaply and is so simple that managers of land and building companies habitually effect transfers themselves." Speaking of New South Wales, he quotes from a letter of a member of the Legislative Council, "The working men of New South Wales are almost all becoming landed proprietors, but hardly one of them would ever attend a sale of land if it were not announced in the advertisement that the title was that of Torrens' Act!" Speaking of South Australia, he quotes from Hon. R. C. Baker, a colonial lawyer, as follows: "Under the Torrens System, transfers are completed, I may almost say in a few minutes, with a minimum of costs to both parties. I have not only heard of instances, I have known them in my own office, where transfers or mortgages, etc., have been completed in less than a quarter of an hour, and the people of South Australia look upon the act as the greatest boon that has been given them." Mr. Brickdale sums up the matter by saying: "We have looked for evidence in disparagement of the Torrens Acts, and have not been able to find any." These are strong words, coming as they do from a conservative lawyer who had studied this subject for years, who had been sent abroad by the English government to collect information for Parliament, and who had made official detailed reports to his government in consequence of which the English Land Transfer Act of 1897 was passed.

THE PEOPLE MOST INTERESTED.

4. The interests of the great mass of the people are involved in this subject. If you think for a moment, you

will see that questions of title are of the utmost consequence to the man of small means. He has labored for years to acquire his home; it represents the sweat of his brow. If the title is defective he can scarcely afford to have it cured. Litigation is a great hardship to him. And if he loses his home, all is gone and he is a ruined man. It means a total wreck of fortune and the severest suffering of those he loves. The Torrens System will give assurance against any such disaster to every humble citizen. It will also enable him to secure ready credit in time of need and distress.

HOW MANY OWN LANDS.

5. One of the exhibits filed by the Auditor of Public Accounts before the last constitutional convention in 1901, shows that more than 100,000 male adults were assessed for taxes on real estate valued at not less than $300.00 for the year 1900. That is to say, 37.6 per cent. of all the male adults in Virginia were then owners of at least $300.00 worth of real estate. There are no recent statistics to show how many voters in Virginia now own lands, but it is reasonable to assume that the number has been considerably increased since 1900. We can say with confidence that there are more than 100,000 owners of land in Virginia, every one of whom would be materially benefited by a use of the Torrens System. If you do not make use of it you are neglecting your opportunities.

WHO BEARS THE BURDENS.

6. The burdens of our land laws bear most harshly upon the man of small means. This is true, not only because our humble citizens suffer most from the iniquities of existing tax laws, but because they are practically prevented from making any use of their real estate. The wealthy man never cares to borrow small sums of money on his

realty, but gets large loans for long terms. He can, therefore, afford to pay the heavy costs and charges imposed upon transactions with real estate. But that is not the case with men of small means. You want a small sum of money, and perhaps for a short time. But if you try to get such a loan on your lands, you will find that the costs and interest will make the burden oppressive. For, you know, the borrower has to pay all the commissions, fees, and charges of every sort and description. It is plain, therefore, that the poor man is practically deprived of his property to the extent that he is prevented from using it under the old laws. All these inequalities, and this injustice, and the cruel forfeiture of lands for delinquent taxes will be obviated to the extent that use is made of the Torrens System. The people should be informed of this by every intelligent and public-spirited citizen and should be encouraged to make use of the Uniform Land Registration Act.

CHAPTER XI.

How the Act Operates.

1. It will be useful to keep in mind the steps necessary to be taken for the original registration of title, and also to consider precisely how titles may be dealt with after registration.

ORIGINAL REGISTRATION.

2. It is apparent upon the slightest reflection that it will require a suit for the original registration of title. This is necessary because you must have a definite starting point locating the title absolutely and finally in some person. This can only be done by a suit to which all persons who may have any interest in or claim against the land shall have been made parties and have been given an opportunity to establish their claims. This is done in the simplest possible way, under the Uniform Land Registration Act, by the filing of a petition in the proper court of the county or city in which the land lies. It is a proceeding *in rem,* binding upon all the world (Sec. 44).

THE PETITION.

3. The form and substance of the petition are prescribed with a view to bring all material facts and material parties before the court at once, if possible; it can only be filed by fee simple owners, and must be sworn to and subscribed (Secs. 17-21). Each petition must be immediately docketed, numbered and indexed by the registrar, and a notice of *lis pendens* must at the same time be recorded in the proper deed book (Secs. 22, 23).

REFERENCE TO EXAMINER.

4. The petition is referred by the court to one of the examiners of titles as soon as filed (Sec. 25), and nothing

more is done until he makes his report on the title to the court in the form required by it (Secs. 26, 16). The report of the examiner becomes the basis for the issuance of process. It is his duty to inform the court of everyone interested in the property. He is an impartial judicial officer, and the facts are to be gathered by him not only from the pleadings, but from the records and from the testimony of such witnesses as he may think proper to examine (Sec. 16). No better way can be conceived of getting all the facts.

PROCESS.

5. As soon as the examiner files his report an order of publication is begun in some convenient newspaper, and every precaution is taken to notify everyone who may have any interest in or claim against the land. The fact that process is not issued until the examiner has made his report, constitutes one of the excellencies of the Uniform Act, for then everyone can be properly notified. The superiority of this provision over that of other acts which make publication when the petition is filed, is obvious. Now observe the scrupulous care taken to notify everyone who may be concerned:

(1) A copy of the order of publication is sent by registered mail to every person interested, named in the petition or mentioned in the report of the examiner (Sec. 29).

(2) A copy of the order is posted by the sheriff on each parcel of land included in the petition (Sec. 29).

(3) Also, the sheriff is required to go upon the lands and report to court the names and addresses of all occupants.

(4) If any public rights or interests are involved, the proper attorney for the State, county or city is notified (Sec. 30).

(5) The court may cause other or further notice to be given (Sec. 31).

(6) And unless waived, personal service of process must also be made on resident defendants, not under disability, made known to the court before final decree (Sec. 31).

It may be confidently expected that these elaborate and painstaking precautions, which are not surpassed by process in any known proceeding, will result in the discovery of all persons who may have any interest in or claim against the land, and will afford every such person an opportunity to be heard—thus answering every requirement of "due process of law."

THE HEARING.

6. The cause is set down for hearing fifteen days after the completion of the order of publication (Sec. 34); a guardian *ad litem* is appointed for all persons under disability, not in being, unascertained, unknown, or out of the State, who may appear to have any interest in or claim against the land, and answers may be filed under oath and personal signature at any time before final decree (Secs. 35, 36, 37).

SURVEY.

7. Surveys are to be required by the court, after notice to adjoining owners, "by a competent surveyor appointed by the court" (Sec. 39). This gives the court a discretion, which will probably be exercised in favor of the county surveyors unless there should be some good reason to the contrary.

ADJUDICATION OF TITLE.

8. All this leads up to a final adjudication of title by the court, after a "certificate from the proper officer that all taxes and levies assessed on said land and then due and

delinquent have been paid in full" (Sec. 43). The final decree differs radically from any other decree "to quiet title" in an ordinary chancery suit. For this is a proceeding *in rem* good against all the world (Sec. 44), while that is only good against the parties to the suit. Moreover, no sort of rehearing or appeal can be had or taken from a decree of registration, by anyone, whether under disability or not, except within ninety days (Sec. 16).

CERTIFICATES OF TITLE.

9. The final decree becomes the Certificate of Title which is registered in the Register of Titles and never goes out of the registrar's office. It is followed by a folium conveniently arranged and ruled, so that the whole history of the title may be segregated and kept in one place. Thereafter if anyone wants to know the condition of the title, he does not have to look through many books and indexes, but will find it all in a nutshell in this ledger account. Whatever happens to the title after it has once been registered—judgments or decrees against the owner, transfers, encumbrances, liens of all sorts, contracts, gifts, wills, inheritances, dower rights, or curtesy, taking by eminent domain, rights of way and all other rights, trusts, liens for taxes and levies—all must be registered in this ledger account to take effect against the title (Secs. 72, 78).

OWNER'S DUPLICATE CERTIFICATE.

10. The owner is given an exact copy of the original certificate by the registrar. This duplicate and every memorial on it is numbered to match the original. And whenever any subsequent memorial is made on the original the registrar requires the owner to produce his duplicate so that the copy may be kept complete (Sec. 59). Therefore, to be certain that the duplicate is an exact

copy, one has only to inquire of the registrar by 'phone or otherwise, What is the number of the last memorial on certificate No. .....?

TRANSFERS.

11. If you wish to transfer a registered title, you must not only make a short deed for the transfer, which must be signed and acknowledged by husband and wife, but the owner's duplicate must be carried to the registrar's office before any voluntary transfer can be registered. This gives an extra safeguard against fraud or forgery, and is a valuable feature of the act (Sec. 57).

PLEDGES.

12. One effect of this system is that if a borrower pledges his duplicate certificate for a loan, the lender can rest assured that no other pledge or transfer can be made by the borrower without the surrender of the duplicate certificate, even though the borrower may give another deed or attempt to make another pledge or transfer. For the duplicate certificate must always accompany every voluntary transaction with a registered title.

OTHER EFFECTS.

13. Anything can be registered which could be recorded (Sec. 72). No title is given by registration in cases of forgery, and none in cases of fraud to which one is a party or privy without valuable consideration paid in good faith (Sec. 74). Land once registered is to remain forever registered (Sec. 76), and cannot be subject to rights by adverse possession or prescription (Sec. 77).

THE ASSURANCE FUND.

14. An assurance fund is provided by a small tax of $1.00 per $1,000.00 of actual value, paid by everyone who registers land, to reimburse anyone who had no actual

notice of any registration depriving him of any estate or interest in such land, and who is without other remedy under the act. But such suits must be brought within two years after the right accrues (Secs. 80-87). In actual practice the acts have been administered so perfectly that very few cases of claims against the assurance fund have arisen in the United States, and only one appears to have been reported in which any such claim has been sustained. (Shevlin *v.* Fogarty, 130 Minn. 456.)

CHAPTER XII.

Legal Questions.

1. In the second volume of his History of Australia, George William Rusden, referring to the achievements of Sir Robert Torrens, says:

"Wherever he struck, groans of lawyers warned him that his deeds were impious. It was impossible, they said, that aught but unutterable woe could flow from his rashness:—*non turba questa secreta sede.* * * * Public opinion supported him against bench, bar, and scrivener. Amid learned prophecies of failure he achieved success. Title by registration was substituted for title by deed. His instructions to all who desired to bring their property under the new law were so clear that any ordinary person with time at his disposal could dispense with legal assistance in complying with the forms; and the cost was almost nominal. Useless dust of ages was swept away. By the old law every change of ownership lengthened the chain of which each link had to be tested in every subsequent transaction. By the new law the last registration was complete in itself, and no retrospective searches or opinions—no new intricate deeds—were needed. * * * At the end of 1879, the value of property brought under the act was nearly twelve million sterling in South Australia alone. Long before that time Mr. Torrens had grafted his reform upon the neighboring colonies. To some he went while the lawyers were arraying their forces against the dreaded innovation which was everywhere proposed, everywhere opposed, but everywhere triumphant. In some places, when defeat was impending, the legal fraternity made a merit of necessity; and when they could not stay the measure, induced the Government to make a lawyer the Registrar-General, with a view to maintain legal technicalities in fact or form. His opponents continually asserted that Mr. Torrens did not understand the difficulties of the case, but events proved that defects in comprehension were not on his side."

This vigorous summary affords a fair sketch of what has taken place wherever an effort has been made to introduce the Torrens ideas. No proposition has ever been fought with more bitterness and none has ever triumphed more completely over all enemies.

OBJECTIONS.

2. Every objection suggested by legal ingenuity has apparently been made to convince the courts that the provisions of such an act are contrary both to the constitutions of the several States in which it has been enacted, and in violation of the Constitution of the United States.

The first act was passed by Illinois in 1895, and that was declared unconstitutional in People *v.* Chase.[1] Thereupon the legislature promptly passed another act in 1897, the constitutionality of which was upheld in People *v.* Simon.[2]

Ohio passed an act in 1896 which was pronounced unconstitutional in State *v.* Guilbert,[3] but the demand for such legislation grew so insistent that the State constitution was amended in 1912 to give the legislature a free hand, and another Ohio act was passed in 1913. This act will probably enjoy the unique distinction of being immune from constitutional attack, at least on the ground that it is contrary to the State constitution, since that instrument has made special provision for it and has gone so far as to permit judicial functions to be exercised by county recorders or other officers in matters arising under registration proceedings, subject to the right of appeal.[4]

The stock objections have been:

First: That judicial powers have been conferred upon the registrars.

[1] 165 Ill. 527, 46 N. E. 454.
[2] 176 Ill. 165, 52 N. E. 910, 44 L. R. A. 801.
[3] 55 Ohio St. 575, 47 N. E. 558.
[4] Ohio Constitution, Art. II, Sec. 40.

Second: That the acts do not afford "due process of law." These and all other objections yet raised have been answered by a number of cases in which the constitutionality of the acts has been sustained.[5]

3. The only case that has yet gone to the Supreme Court of the United States is Tyler *v.* Judges,[6] in which the writ of error was dismissed because the plaintiff in error did not have the requisite interest to bring in question the constitutionality of the act. Thus there was no decision on the merits, but the dismissal practically resulted in the confirmation of the Massachusetts court over which Mr. Justice Holmes, now a distinguished member of the Supreme Court, was then presiding as Chief Justice. And it is interesting to note that this decision of the Massachusetts Court was delivered by its Chief Justice. It is also interesting to note that the constitutionality of the Massachusetts act has never since been questioned.

4. Replying to the first objection:

In Tyler *v.* Judges[7] the court said (italics ours):

"The ordinary business of registration is very nearly ministerial. There is no question to be raised, or which

[5] People *v.* Simon, 176 Ill. 165, 52 N. E. 910, 44 L. R. A. 801; Tyler *v.* Judges, 175 Mass. 71, 55 N. E. 812, 179 U. S. 405; State *v.* Westfall, 85 Minn. 437, 89 N. W. 175, 57 L. R. A. 297; National Bond Co. *v.* Hopkins, 96 Minn. 119, 104 N. W. 678, 816; Riley *v.* Pearson, 120 Minn. 210; Robinson *v.* Kerrigan, 151 Cal. 40, 90 Pac. 129; People *v.* Crissman, 41 Col. 450, 92 Pac. 949; McMahon *v.* Rowley, 238 Ill. 31, 87 N. E. 66; Brooke *v.* Glos, 243 Ill. 392, 90 N. E. 751; Waugh *v.* Glos, 246 Ill. 604, 92 N. E. 974; Hammond *v.* Glos, 250 Ill. 32, 95 N. E. 39; Peters *v.* Duluth, 119 Minn. 96, 137 N. W. 390; Tower *v.* Glos, 256 Ill. 121, 99 N. E. 876; Bjork *v.* Glos, 256 Ill. 447; Teninga *v.* Glos, 266 Ill. 121; Brace *v.* Superior Land Co., 65 Wash. 681; Krutz *v.* Dodge, 66 Wash. 178; Lewis *v.* Chamberlain, 61 Oregon 150; Duffy *v.* Shirden, 139 N. Y. App. Div. 4; Barkenthein *v.* People, 212 N. Y. 36; Cape Lookout Co. *v.* Gold, 167 N. C. 63; Mfg. Co. *v.* Spruill, 169 N. C. 618.

[6] *Supra.*

[7] 175 Mass. 71, 55 N. E. 812, 815.

can be raised. If there is a question, either raised by any party in interest or occurring to the assistant recorder, it is to be referred to the judge for decision (Sec. 53). But whatever may be thought of the original act, by amendment even *the ordinary business is to be done only 'in accordance with the rules and instructions of the court.'* (St. 1899, c. 131, Sec. 8.) *Under this amendment registration is the act of the court. The fact that it may be done by the assistant recorder under general orders when there is no question is not different from the power of the clerk to enter judgment in cases ripe for judgment under a general order or rule of the superior court."*

And in State *v.* Westfall [8] the court said (italics ours):

"The registration is the act of the court. The fact that it may be done by the registrar, under general orders, where there is no question, is not different from the power of the clerk to enter judgment, in cases ripe for judgment, under the general order or rule of the court."

And in Robinson *v.* Kerrigan [9] the court said (italics ours):

"There is no force to the objection. Every administrative officer is frequently called upon, in the discharge of his duties, to decide questions of law relating thereto. Recorders determine deeds, leases, mortgages, etc., before recording. The sheriff determines, for his own guidance, ownership of property before levying. The duties required of the registrar by these sections are of the same nature. His decision in the matter is not conclusive. If he decides wrongfully and refuses to perform the appropriate duty in the premises, he may be compelled to act properly by a writ of mandamus, the same as any other ministerial officer who mistakes his duty under the law and refuses to perform it."

SUPREME COURT DECISIONS.

5. Before considering the second objection, let us recall the well-established doctrine that every State has the

[8] 85 Minn. 437, 89 N. W. 175, 179, 57 L. R. A. 297, 303.
[9] 151 Cal. 40, 90 Pac. 129, 132.

power to regulate the manner and conditions upon which real and personal property within its territory may be acquired, enjoyed, and transferred.

"Substituted services by publication or in any other authorized form, may be sufficient to inform parties of the object of proceedings taken where property is once brought under control of the court by seizure or some equivalent act. The law assumes that property is always in the possession of its owner, in person or by agent, and it proceeds upon the theory that its seizure will inform him not only that it is taken into the custody of the court, but that he must look to any proceedings authorized by law upon such seizure of its condemnation and sale. * * * In other words, such service may answer in all actions which are substantially proceedings *in rem*." [10]

A State has "control over property within its limits, and the condition of ownership of real estate therein, whether the owner be stranger or citizen, is subject to its rules concerning the holding, the transfer, liability to obligations private or public, and the mode of establishing title thereto, * * * and no proceeding which it provides can be declared invalid, unless in conflict with some special inhibition of the constitution, or against natural justice." [11] "The power of the State to regulate the tenure of real property within her limits, and the modes of acquisition and transfer, * * * is undoubted." [12]

DUE PROCESS OF LAW.

6. But when driven from every frontier fortress that might have protected from invasion their preserves, the title companies and other opponents of title registration have

[10] Pennoyer *v.* Neff, 95 U. S. 174.
[11] Arndt *v.* Griggs, 134 U. S. 31.
[12] United States *v.* Fox, 94 U. S. 315. See also McCormick *v.* Sullivant, 10 Wheat. 202; Beaureguard *v.* New Orleans, 18 How. 497; Suydam *v.* Williamson, 24 How. 427; Christian Union *v.* Yount, 101 U. S. 352.

diligently sought to entrench themselves in the mysteries of the Fourteenth Amendment. Their battle cry is "due process of law," and as if there were magic in the phrase they shout it from the firing line at the advancing host of conquerors, and mumble it in their prayers amidst rout and confusion. Doubtless we shall hear it from the depths of despair, with their expiring breath, as their last agonized cry is being hushed into silence. Let us, therefore, probe the mystery, and calmly inquire what there is in the sound with which the air is burdened. "Due process of law"—it is hurled by leader and followers from the ranks of the title examiners and insurers with all the confidence reposed in a deadly asphyxiating bomb. We admit the glorious uncertainty of the phrase, and its stunning effect when exploded without warning in the heat of a constitutional argument. But fortunately certain screens have been furnished by the highest authority, and by the use of them clear thought and the quiet beating of the pulse may be preserved.

In the first place, we observe that the Supreme Court of the United States has remarked more than once upon "the abundant evidence that there exists some strange misconception of this provision" in the minds of many lawyers who have sought to invoke it as a general prohibition statute against any and every State enactment that may pinch the plans or activities of their clients, and this august tribunal has been wearied and worn into chiding those members of the bar who have looked upon the clause "as a means of bringing to the test of the decision of this court the abstract opinions of every unsuccessful litigant in a State court of the justice of the decision against him, and of the merits of the legislation in which such a decision may be founded." [13]

[13] Davidson *v.* New Orleans, 95 U. S. 97; Missouri Pacific R. R. Co. *v.* Humes, 115 U. S. 512.

The court has never undertaken to give any comprehensive definition of the phrase, but has declared that it will deal with each case as it arises, pronouncing it the part of wisdom to ascertain the intent and application of such an important phase of the Federal Constitution, "by the gradual process of judicial inclusion and exclusion, as the cases presented for such decision shall require, with the reasoning on which such decisions may be founded." [14] It is believed that a sufficient number of such cases have now been decided to establish the constitutionality of the act under discussion, as will appear from the following citations. Due process of law does not necessarily imply a regular proceeding in a court of justice, or after the manner of such courts; [15] it does not necessarily imply delay; [16] nor a plenary suit and trial by jury; [17] it does not require presentment and indictment by grand jury, [18] but an information instead of an indictment is sufficient. [19]

"What is due process of law must be determined by circumstances. To those in the military or naval affairs of the United States, the military law is due process." [20]

CONSTITUTIONAL CONSTRUCTION.

7. It was John Marshall, the great Chief Justice, who said:

"A constitution is framed for ages to come, and is designed to approach immortality, as nearly as human institutions can approach it."

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[14] Davidson *v.* New Orleans, *supra.*

[15] Murphy *v.* Hoboken Land Co., 18 How. 272.

[16] Kennard *v.* Louisiana, 92 U. S. 480.

[17] Simon *v.* Craft, 182 U. S. 427; Ex parte Wall, 107 U. S. 265; Holden *v.* Hardy, 169 U. S. 366; Walker *v.* Savannah, 92 U. S. 90; Tinsley *v.* Anderson, 171 U. S. 101.

[18] Hurtado *v.* California, 110 U. S. 16; Caldwell *v.* Texas, 137 U. S. 692.

[19] Hodgson *v.* Vermont, 168 U. S. 261; Bolln *v.* Nebraska, 176 U. S. 83; Maxwell *v.* Dow, 176 U. S. 581; Davis *v.* Burke, 179 U. S. 399.

[20] Reaves *v.* Ainsworth, 219 U. S. 296.

Therefore, we can safely say, there must be nothing narrow nor hide-bound in its interpretation, but as the horizon widens with the progress of development and the elevation of thought, the Constitution of the United States must be permitted to expand its beneficent provisions over the changing conditions and relations of social and commercial life.

In Holden *v.* Hardy,[21] a review of all the cases concerning due process of law led to the statement that in passing upon the validity of State legislation under the Fourteenth Amendment,

"This court has not failed to recognize the fact that the law is to a certain extent a progressive science; that in some of the States methods of procedure which, at the time the Constitution was adopted, were deemed essential to the protection and safety of the people, or to the liberty of the citizen, have been found to be no longer necessary."

And after mentioning some of the notable changes that had taken place in the laws and jurisprudence of England and America, attention was called to the probability that other changes of no less importance might be made in the future. The court said:

"The Constitution of the United States, which is necessarily and to a large extent inflexible and exceedingly difficult of amendment, should not be so construed as to deprive the States of the power to so amend their laws as to make them conform to the wishes of the citizens as they may deem best for the public welfare without bringing them into conflict with the supreme law of the land."

In the earlier case of Hurtado *v.* California,[22] it had been finely said:

"The Constitution of the United States was ordained, it is true, by descendants of Englishmen, who inherited the

[21] 169 U. S. 366.
[22] 110 U. S. 516, 530.

traditions of English law and history; but it was made for an undefined and expanding future, and for a people gathered, and to be gathered, from many nations and of many tongues. And while we take just pride in the principles and institutions of the common law, we are not to forget that in lands where other systems of jurisprudence prevail, the ideas and processes of civil justice are also not unknown. * * * There is nothing in Magna Charta, rightly construed as a broad charter of public right and law, which ought to exclude the best ideas of all systems and of every age; and as it was the characteristic principle of the common law to draw its inspiration from every fountain of justice, we are not to assume that the sources of its supply have been exhausted. On the contrary, we should expect that the new and various experience of our situation and system will mould and shape it into new and not less useful forms."

And in Twining *v.* New Jersey,[22] the Court speaking through Mr. Justice Moody, said:

"A procedure settled in English law at the time of the emigration, and brought to this country, and practiced by our ancestors, is not an essential element of due process of law. If it were, the procedure of the first half of the seventeenth century would be fastened upon American jurisprudence like a straight-jacket, only to be unloosed by constitutional amendment."

EXTREMITY OF OPPOSITION.

8. After successive defeats in every State in which the battle has been pressed, the opponents of title registration have finally been compelled to admit that original registration may be made by court proceedings without violating the Fourteenth Amendment. But they now say that every subsequent registration "by the Registrar of Titles" is a denial of "due process of law" and therefore void.

In answer to this objection it must be noted in the first place that, according to the theory of the acts every regis-

[22] 211 U. S. 78.

tration is an act of the court and the Registrar is expressly declared to perform all his functions under the supervision and direction of the court. In addition to this, provision is generally made for an appeal from any decision or act of the Registrar. Yet he is held up by the irreconcilables as an "autocrat" and a "tyrant" with power to rob any man of his property by intent or inadvertence.

In this connection, while considering the effect of subsequent registrations, it is well to remind ourselves again that all proceedings under title registration acts are proceedings *in rem*.

As Mr. Chief Justice White has said, speaking for an undivided court:[24]

"It is elementary that a probate proceeding by which jurisdiction of a probate court is asserted over the estate of a decedent for the purpose of administering the same is in the nature of a proceeding *in rem*, and is therefore one as to which all the world is charged with notice."

Also the same court, speaking through Mr. Justice Peckham, has said:[25]

"There is nothing in the Federal Constitution which directly or impliedly forbids a State to confer judicial functions upon non-judicial bodies."

From these and other cases it is apparent that the Fourteenth Amendment will always be construed in the light of practical affairs, local conditions, and the habits, customs, and traditions of particular communities.

Title registration has been in vogue in some communities of the United States for about twenty years; it has been held to be constitutional by the Supreme Courts in every State in every case in which it has been attacked since

[24] Goodrich *v.* Ferris, 214 U. S. 71.
[25] Consolidated Rendering Co. *v.* Vermont, 207 U. S. 451.

1897; thousands of tracts of lands have been registered and transferred many thousands of times; millions of dollars are at stake; the rights and interests of thousands of citizens are actually affected, while those of millions are more remotely involved: I put the question to the calm judgment of the American bar:

What likelihood is there, under these circumstances, that the Supreme Court of the United States can ever be induced to declare title registration to be unconstitutional?

Let the call be made for an answer from each august justice in the serene atmosphere of his high office, and I doubt not that the unanimous answer would come, *mutatis mutandis,* somewhat in the language of Mr. Justice Holmes in the taxation case of Paddell *v.* New York:[26]

"The plaintiff has many difficulties in his way. In the first place the mode of taxation is of long standing, and, upon questions of constitutional law, the long-settled habits of the community play a part as well as grammar and logic. If we should assume that, economically speaking, the present system really taxes two persons for the same thing, the fact that the system has been in force for a very long time is of itself a strong reason against the belief that it has been overthrown by the Fourteenth Amendment, and for leaving any improvement that may be desired to the legislature."

And again, from the same case:

"It is a fitting answer to say that you cannot carry a constitution out with mathematical nicety to logical extremes."

POLICE POWER.

9. But it is argued that operations under the title registration acts will, or may, result in the taking of private property for private use without "due process of law." The same argument was made in the Oklahoma Bank cases

[26] 211 U. S. 446.

under the statute creating a depositors' guaranty fund by an assessment of one per cent. on the average daily deposits of State banks. Hear what the Supreme Court said, again speaking through Mr. Justice Holmes:[27]

"The substance of the plaintiff's argument is that the assessment taxes private property for private uses without compensation. Many laws which it would be vain to ask the court to overthrow could be shown, easily enough, to transgress a scholastic interpretation of one or another of the great guaranties in the bill of rights. They more or less limit the liberty of the individual, or they diminish property to a certain extent. We have few scientifically certain criteria of legislation, and as it is often difficult to mark the line where what is called the police power of the States is limited by the Constitution of the United States, judges should be slow to read into the latter a *nolumus mutare* as against the law-making power."

And then, developing the idea of the Court, he continued:[28]

"It may be said in a general way that the police power extends to all the great public needs. (Camfield *v.* U. S., 167 U. S. 518.) It may be put forth in aid of what is sanctioned by usage, or held by the prevailing morality or strong and preponderant opinion to be greatly and immediately necessary to the public welfare. Among matters of that sort probably few would doubt that both usage and preponderant opinion give their sanction to enforcing the primary conditions of successful commerce. One of these conditions at the present time is the possibility of payment by checks drawn against bank deposits, to such an extent do checks replace currency in daily business. If, then, the legislature of the State thinks that the public welfare requires the measure under consideration, analogy and principle are in favor of the power to enact it."

What more need be said? It does not take a prophet nor the son of a prophet, it seems to me, to forecast what the

[27] Noble State Bank *v.* Haskell, 219 U. S. 104, 110.
[28] Noble State Bank *v.* Haskell, 219 U. S. 104, 111.

decision of the Supreme Court of the United States will be upon any question that may be brought before it to test the constitutionality of land registration. For of all the public needs none is greater than the need for revised modern methods in dealing with lands. This is true from a sociological as well as a commercial standpoint.

SOCIOLOGICAL NEEDS.

10. The doctrines of the socialists are with them in the nature of a cult. This is what makes them really dangerous. This it is which carries them to such extremes and arouses a sort of religious fervor soon kindled into obdurate fanaticism. Mr. Henry George wielded a powerful pen, and "Progress and Poverty" is one of the most remarkable productions of the nineteenth century. Its influence is growing, and its author "though dead, yet speaketh" in persuasive tones to an ever-widening audience. The climax of the work is contained in these words:

"We have traced the unequal distribution of wealth which is the curse and menace of modern civilization to the institution of private property in land."[29]

And the remedy he proposes is this:

"We must make land common property."

However much we may differ, both from the premises laid down and the conclusion reached by Mr. George, we must take note of facts and be prepared to deal not only with his abstract theories but with such actual conditions as may result therefrom. No real pressure has yet been felt to any extent on account of what has been a superabundance of land. But events are moving swiftly and the time for reckoning with dormant forces and latent powers may arrive sooner than anticipated. After mature deliberation

[29] Progress and Poverty, p. 295.

I hold the opinion that the best and safest way to deal with the rising tide of socialism is to make lands, as far as possible, negotiable.

NEGOTIABLE LAND TITLES.

11. It matters not with what laborious accuracy we may marshal facts to contradict the statements made by Mr. George and his followers. It matters not with what precise logic we may demonstrate the errors of his arguments. Hunger and pain and envy and greed and passion are deaf to reason. But if acquisition of titles and the commercial use of lands be made easy; if men be encouraged to acquire and hold lands with the freedom that other property may be acquired and held; if men be permitted to utilize land as a basis of credit as readily as personal property; in short, if lands be made practically fluid and negotiable: these things will increase the number of land owners, and as land owners are multiplied the demand to make land common property will be diminished, and the power to do so will be weakened. Nothing of a material nature will elevate the standards of citizenship more than the general ownership of lands; and any law with that tendency will greatly promote the public welfare. Add to this the fact, that title registration encourages traffic in lands to the fullest extent, and the argument seems to be complete in its favor.

REAL AND PERSONAL PROPERTY.

12. And when the matter is calmly considered, why should there be such distinctions as now exist in the laws governing real and personal property? Is it not due to the fact that the public mind, led by bench and bar, has been content to accept antique forms without considering fundamental principles, and has suffered the transfer of lands to be complicated and restricted by the zeal of scriv-

eners in perpetuating quaint and traditional instruments and methods? Mr. Blackstone speaks of the "art and finesse of the Norman lawyers," and after describing the "qualities, fruits and consequences" of the feudal tenures, declares:

"A slavery so complicated and so extensive as this, called aloud for a remedy in a nation that boasted of its freedom." [30]

LIVERY OF SEISIN.

13. Of our freedom we are wont to boast, and we fancy that our methods of preserving and transferring titles are far superior to those of our ancestors. But tell me, did not the ancient "livery of seisin" by which title was passed by the delivery to the feoffee of a clod or turf or a twig or bough from the land, in the presence of witnesses, more nearly give to land a negotiable feature than the methods now employed by us? The fundamental test of negotiability is the transfer of title to property by delivery of the thing itself, and "livery of seisin" was the transfer of title by the typical delivery of the land itself "in the name of seisin." The record of our deeds is in no sense a record of title, but merely a record of evidences of title, as is well known. And do we not deceive ourselves when we fancy that the delivery of a deed is delivery of title? What we need is an actual delivery of title in every transaction with lands, and this can only be accomplished by the registration of title.

BURDENS ON LANDS.

14. With these ideas in mind, let us ask ourselves is it inherently essential that the vendor of land should not be able to pass title to his vendee without the intervention of

[30] 2 Bl. Comm. 52.

an expert third party? What is there in the nature of things about a fifty-dollar piece or parcel of dirt which makes it more difficult and expensive to transfer than a $5,000 diamond or a $50,000 painting? Why does it take longer and cost more to pass title to a one-hundred-dollar tract of land than to $10,000 worth of stocks or bonds? Much land can be bought for ten, twenty, fifty or one hundred dollars an acre: Why should there be so much "red tape" and incessant expense about the thing?

And then let us ask ourselves these questions: Suppose the title to every bale of cotton, bushel of grain, or pound of tobacco had to be examined before it could be bought, what would become of commerce? Suppose the title to every stock and bond had to be examined before purchase, what would happen to trade? And how would these conditions affect the market value of goods and securities? And how would these conditions affect the banking interests, the credit of merchants and farmers, the small capital of laborers, and all the relations of business? It is not an exaggeration to say: If a small fraction of the burdens on lands were imposed on personal property, a bloody revolution would be precipitated in less than thirty days.

THE DEMANDS OF COMMERCE.

15. "Experience hath shown," said Mr. Blackstone, "that property best answers the purposes of civil life, especially in commercial countries, when its transfer and circulation are totally free and unrestrained." This utterance, made a century and a half ago, has been echoed and re-echoed by succeeding publicists, and every passing year has demonstrated its truth. There is no country more commercial than America, and none in which there is greater need for the free and unrestrained transfer and

circulation of land. The demand is beginning to be heard from mountain, forest, and valley, and the swelling cry bids fair to sound above the booming of the surf on the continental confines of our broad domain. Already some answer has been given by certain provisions of the Federal Reserve Act of 1913 and the Federal Farm Loan Act of 1916. But these measures can only afford very partial and limited relief, since they do not profess to go to the root of the matter. Nothing short of Registered Title can give to land any of the true attributes of a commercial asset. To answer the great public needs we must make land in a sense negotiable. And this is done by the Uniform Land Registration Act.

APPENDIX

UNIFORM LAND REGISTRATION ACT

CHAP. 62.—An ACT, to provide for the settlement, registration, transfer, and assurance of titles to land, and to establish courts of land registration, with jurisdiction for said purposes, and to make uniform the laws of the States enacting the same.[1] (H. B. 102.)

Approved February 24, 1916.

Whereas, section one hundred of the Constitution of Virginia provides that the general assembly shall have power to establish such court or courts of land registration as it may deem proper for the administration of any law it may adopt for the purpose of the settlement, registration, transfer or assurance of titles to land in the State, or any part thereof; and

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[1] *Illinois* and *Colorado:* "An Act concerning land titles." *Massachusetts* and *Washington:* "An Act relating to the registration and confirmation of titles to land." *California:* "An Act for the certification of land titles and the simplification of the transfer of real estate." *Minnesota:* "An Act concerning the registration of lands and the title thereto in the State of Minnesota." *Mississippi, North Carolina* and *South Carolina:* "An Act to provide for the assurance and registration of land titles." *Nebraska:* "An Act concerning land titles and providing for the adoption by counties of what is commonly called the Torrens System of land registration." *New York:* "An Act in relation to registering titles to real property and facilitating and expediting its transfer." *Ohio:* "An Act to provide for the settlement, registration, transfer and assurance of land titles and to simplify and facilitate transactions in real estate." *Oregon:* "An Act concerning land titles, creating the offices of registrars of titles, prescribing the duties of said offices, providing for the registration of title to real estate, prescribing the manner in which registration of title may be obtained and the rights accruing thereunder." *California* and *Colorado* are the only States in which the act has been attacked as unconstitutional on account of its title. In Robinson *v.* Kerrigan, 151 Cal. 41 the court said: "The same criticism might be made of many acts on a general subject which have always been considered as valid. . . . If it were necessary to mention every subdivision of the general subject of an act in the title to the extent here claimed, our statutes would present a somewhat ludicrous appearance. The statement of the subject in the title would generally occupy almost as much space as the act itself. Furthermore, if subjects, as intended by the Constitution, must be so minutely subdivided, it would be impracticable to enact any comprehensive law on any general subject, by reason of the necessity of dividing it into so many separate acts. The provision must receive, and it has received a more liberal construction." The title was therefore held sufficient. See also People *v.* Crissman, 41 Colo. 450, holding *Colorado* title sufficient.

Whereas, it is now desired to enact a law for said purpose and deemed proper to establish the courts hereinafter mentioned as courts of land registration for the administration thereof—

1. Be it enacted by the general assembly of Virginia, as follows:

PART I.

Preliminary Provisions.

Section 1. [Name of Act.] This act may be cited as the Uniform Land Registration Act.

Sec. 2. [Definitions.] Words and phrases used in this act are to be construed as follows:

(1) The words "voluntary transaction" mean all devises and all contractual or other acts or dealings, by any registered owner of any estate or interest in land with reference to such estate or interest, and to any statutory right or exemption claimed therein.

(2) The words "involuntary transaction" mean the transmission of registered land or any interest therein by descent, the rights of curtesy and dower, all equitable rights and claims, judicial proceedings or statutory liens or charges, the exercise of the right of eminent domain, the lien of delinquent taxes and levies, affecting registered land, or any interest therein.

Registration of title has been employed in certain parts of Europe from time immemorial. The original act among English-speaking peoples was prepared by Sir Robert Richard Torrens, not a lawyer but Collector of Customs at Port Adelaide, in South Australia. This act took effect in South Australia in 1858. Similar acts were adopted in Queensland in 1861, in Victoria, New South Wales and Tasmania in 1862, and in New Zealand in 1870. It then crossed the seas to British Columbia. They are generally known as "Torrens Acts." The system has spread throughout the Dominion of Canada and obtains in the Provinces of Manitoba, Saskatchewan and Alberta and in the Northwest territories and also in Nova Scotia and in parts of Ontario. In the United States it has been adopted by *Cal.* (Stats. 1897, pp. 138,-167); *Colo.* (Laws 1903, pp. 311-352; Rev. Stats. 1908, pp. 334,-355); *Ill.* (Laws 1897, pp. 141-165, 207-212, amended by Acts of 1907, 1909, 1910 and 1913); *Mass.* (Laws 1898, pp. 682-722, amended by Acts 1899, 1900, 1903, 1904, 1905 and 1910); *Minn.* (General Laws 1901, pp. 348-378, amended 1903 and 1905); *Miss.* (Laws 1914); *Neb.* (Laws 1915, pp. 492-526); *N. Y.* (Laws 1908, Vol. 2, pp. 1247-1283, amended 1909, 1910 and 1916); *N. C.* (Acts 1913, pp. 147-159); *Ohio* (Constitution, Art. 2, Sec. 40, amendment of 1913; Laws 1913, pp. 914-960, amended 1914); *Oregon* (Gen. Laws 1901, pp. 438-467); *S. C.* (Acts 1916); *Va.* (Acts 1916, c. 62, p. 70); *Wash.* (Session Laws 1907, pp. 693-738); *Hawaii* (Laws 1903, Act 56, pp. 273-328); *Philippine Is.* (Compilation Laws 1908, pp. 777-820). There have been a series of acts leading up to registration in England since 1862, culminating in the Land Transfer Act of 1897. This act renders registration of titles compulsory in certain places by order of certain local authorities, and the whole of London county and city has been placed under the compulsory order. The London land registry

office is located in a building specially erected for its purposes at a cost of $1,325,000. As to the constitutionality of such legislation in the United States, see Robinson *v.* Kerrigan, 151 Cal. 40; People *v.* Crissman, 41 Colo. 450; People *v.* Simon, 176 Ill. 165; McMahon *v.* Rowley, 238 Ill. 31; Brooke *v.* Glos. 243 Ill. 392; Waugh *v.* Glos, 246 Ill. 604; Tower *v.* Glos, 256 Ill. 121; Tyler *v.* Judges, 175 Mass. 68; do. 179 U. S. 405; State *v.* Westfall, 85 Minn. 437; Nat'l Bond Co. *v.* Hopkins, 96 Minn. 119; Peters *v.* Duluth, 119 Minn. 96; American Land Co. *v.* Zeiss, 219 U. S. 47; Hammond *v.* Glos, 250 Ill. 32.

Constitutional objections not even noticed by the court, Teninga *v.* Glos, 260 Ill. 121.

(3) The phrase "writing, instrument, or record," means all transactions, whether voluntary or involuntary, as herein defined.

(4) The word "registrar" means the clerk of the court having jurisdiction of the cause within the county or city in which the land lies.

(5) The word "decree" means judgment, decision, order, or decree.

(6) The word "appeal" means writ of error, supersedeas, or appeal.

(7) Except where the context requires a different construction, the word "court" means the court having jurisdiction for the settlement, registration, transfer and assurance of titles to lands in the county or city where the land lies.[2]

SEC. 3. [Purposes.] For the certain, cheaper, and more speedy settlement, registration, transfer and assurance of titles to land, there is hereby established a system of land title registration, having the following purposes in detail:

(1) To establish or designate courts of land registration;

(2) To provide for the appointment and duties of registrars of title;

(3) To regulate proceedings to obtain registration of title;

(4) To authorize the adjudication of title;

(5) To prescribe the nature of certificates of title;

(6) To provide for the registration of subsequent dealings with registered titles;

(7) To regulate sundry proceedings after registration of title;

(8) To determine the legal effects of registration of title;

(9) To establish an assurance fund;

(10) And to regulate the fees for registration of titles.

[2] The definitions given in this section materially aid in reducing the length of the act. None of the State acts contain any definitions, but this feature obtains in the Australian and Canadian acts and is believed to be of value.

PART II.

Courts of Land Registration.

Sec. 4. [Courts of Land Registration.] The circuit[3] courts for the counties, and city courts in the clerks' offices of which deeds are registered, for the cities, except for such counties and cities for which special courts of land registration shall be established, and such special courts of land registration as shall be established for any city and county or counties throughout those portions of the State specified in section eighty-nine of this act, and in those portions of the State which shall so elect as provided in said section, are hereby constituted or designated courts of land registration for the purpose of the settlement, registration, transfer and assurance of titles to lands within their respective jurisdictions.

Ill. §15.	N. Y. §371.
Minn. §3379.	Ohio §1.
Miss. §1.	Ore. §14.
Neb. §15.	S. C. §1.
N. C. §1.	Wash. §8.

Sec. 5. [Jurisdiction.] Such courts shall have exclusive, original, and general jurisdiction,[4] subject to the right of appeal hereinafter allowed.

(1) Of all petitions[5] and proceedings for the registration of titles to lands,

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[3] *Superior Court:* Cal., N. C., Wash. *District Court:* Colo., Neb. and Minn. *Chancery Court:* Ill. and Miss. *Supreme Court:* N. Y. *Common Pleas Court:* Ohio and S. C. *Circuit Court:* Ore. *Land Court:* Mass. One of the crowning excellencies of the *Mass.* act is the establishment of a special court for registering titles. This has done much to make the *Mass.* act popular and effective. Wherever it is possible, administration of the act should be committed to a special court. It is only on account of the cost of conducting such a court that it is not suggested in this act. The *Ohio* act, sec. 1, provides: "In counties having three or more common pleas judges said judges may select one or more of their number who shall act as judge or judges in land registration cases and matters." This affords the best substitute for a special court.

[4] Pendency of registration proceedings precludes the right of any defendant to bring another suit of any sort for the determination of his rights in the property involved. Any subsequent action by a party to determine adverse claims must be abated. Seeger *v.* Young, 127 Minn. 416.

[5] People *v.* Crissman, 41 Colo. 450. Replying to the objection that no judgment or decree can be rendered or entered, in favor of a defendant, regardless of the showing he may make, the court said: "The act does accord to all persons equal rights and privileges. Anyone desiring to avail himself of its terms can do so by filling his application, and can obtain the registration of his title by complying with the requirements of the statute. Although the legislature has seen fit to allow affirmative relief only to the applicant who initiates the proceedings, this does not render the proceedings objectionable for the reason assigned. The right to a particular remedy is not a vested right. Every State has complete control over the remedies which it offers to suitors in its courts."

(2) And of all transactions affecting registered titles to lands lying within their respective jurisdictions.

SEC. 6. [Powers.] Their powers shall include all the powers possessed by the circuit and corporation courts of the State, in law and equity, for the purpose of enforcing any of the provisions of this act.

SEC. 7. [Sessions.] They shall be open as courts of land registration, except on Sundays and legal holidays; and their process as such may be issued at any time, returnable as they may direct.

SEC. 8. [Mode of Trial.] The whole matter of law and fact[6] in any case shall be heard and determined by the court; provided, however, that, on the motion of any person interested, the court shall direct and frame an issue or issues to be tried by jury.[7]

Cal. §14, 17, 110.
Colo. §5, 8, 23-6.
Ill. §15, 25.
Mass. §1, 9, 13, 48.
Minn. §3379, 3406, 3388.
Miss. §2, 8.
Neb. §15, 25.
N. C. §2, 8, 31.
N. Y. §371, 390.
Ohio §1, 19, 94, 95.
Ore. §14, 24.
S. C. §2, 8, 31.
Wash. §5, 8, 23-6.

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[6] Jury trial is provided for by the acts of *Mass., Miss., N. C., S. C.,* and *New York.* No jury trial is provided by the acts of *Cal., Colo., Ill., Minn., Neb., Ohio, Ore.,* and *Washington.* In Peters *v.* Duluth, 119 Minn. 96, *held:* that Torrens laws have the general purpose to clear up and settle land tiles, and are nothing more or less than an enlargement of remedy to quiet title. Hence there is no constitutional right to a jury trial in *Minn.* under Art. 1, sec. 4, which says: "The right of trial by jury shall remain inviolate, and shall extend to all cases of law without regard to the amount in controversy." The court said: "There was no such right upon the ancient bill to remove cloud and quiet title, and it has been held in this State that the constitutional guaranty does not apply thereto." Yanish *v.* Pioneer Co., 64 Minn. 175.

Foss *v.* Atkins, 201 Mass. 158; Facts found by Land Court become final upon dismissal of appeal to Superior Court. Marvel *v.* Cobb, 204 Mass. 117: Finding of facts by Land Court cannot be revised by Supreme Court. Id. Gorton *v.* Tolman, 210 Mass. 402. Findings of fact by Land Court when no trial by jury is claimed are conclusive. Van Ness *v.* Boiney, 214 Mass. 340; Curtis *v.* Brown 219 Mass. 157; Habib *v.* Evans, 222 Mass. 480.

[7] Issues must be framed in Land Court for appeal. McQuesten *v.* Atty.-Gen., 187 Mass. 185. Issues for jury trial may be amended by Superior Court, Luce *v.* Parsons, 192 Mass. 8; Foss *v.* Atkins, 193 Mass. 486. The judge of Land Court may refuse to certify immaterial issue for appeal. Dunbar *v.* Kronmuller, 198 Mass. 591. The court has no right to refuse jury trial when title to land is in issue. Weeks *v.* Brooks, 205 Mass. 458. Torrens laws have the general purpose to clear up and settle land titles, and are nothing more or less than an enlargement of the remedy to quiet title. Hence there is no constitutional right to a jury trial in Minnesota. Peters v. Duluth, 119 Minn. 96. On appeal petitioner for registration has the right to open and conclude before the jury. Bigelow *v.* Wiggin, 209 Mass. 542.

SEC. 9. [Proceedings to be *in rem*.] The proceedings under any petition for the registration of land, and all proceedings or transactions in relation to registered land, shall be proceedings *in rem*[8] against the land, and the decrees of the court and registered transactions shall operate directly on the land, and shall vest and establish title thereto in accordance with the provisions of this act.

SEC. 10. [Rules of Court.] The Supreme Court of Appeals shall, from time to time, make general rules and forms[9] for procedure, subject to the provisions of this act and the general laws, and such rules and forms shall be uniform throughout the State.

SEC. 11. [Petitions for Rehearing, Appeals, and Bills of Review.] A petition for rehearing or an appeal[10] may be taken, or a bill of review or bill of exceptions, or writ of certiorari may be filed, within ninety days,[11] and not afterwards, from any decree of the court, under the same circumstances, in the same manner and on the same condition as if such decree had been rendered by a circuit court.

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[8] The provisions fixing the character of the proceedings *in rem* are vital and are found in all the acts in practically the same terms.

[9] As to the preparation of rules and forms, *Cal.* places this duty on the Attorney-General, State Controller and Secretary of State; *Mass.* on the Land Court; *Minn.* permits each court to adopt general forms. In *N. C.* and *S. C.* forms and rules are to be made by Attorney-General, with approval of Supreme Court. In *New York* each Registrar must provide a book of covenants, restrictions and forms. Sec. 408. In *Ohio* the Attorney-General is to prepare a uniform system of books and forms.

[10] Appeal for $2.46 of taxes paid by holder of tax title—and reversal. Stallings *v.* Glos, 271 Ill. 201. Defendants interested only in lot described in amended application, cannot raise question whether all the lots described in original petition were contiguous, or substantially of the same chain of title. Schiessle *v.* Glos, 271 Ill. 374. A legatee of money has no interest in testator's land and no right to appeal as an "aggrieved party." Waban *v.* Hall, 218 Mass. 538. Appeal dismissed because no ruling of law appears to have been made. Mitchell *v.* Cobb, 220 Mass. 60.

[11] This section is in effect a ninety-day statute of limitations. Tyler *v.* Judges, 175 Mass. 68; *Cal.* limitations 5 years; *Colo.* and *Wash.* 90 days; *Ill., Neb.* and *Ore.* 2 year; *Minn.* and *N. Y.* 6 months; *Mass.* and *Ohio* 30 days. Limitations of 60 days not unconstitutional. State *v.* Westfall, 85 Minn. 437. Illinois limitation good. People *v.* Simon, 176 Ill. 165. In North Carolina an appeal may be taken "as in other special proceedings;" in South Carolina "as is now provided by law"; and in Mississippi "as in other cases." But in these States the bars seem to be wholly let down by another provision permitting an adverse claim existing at initial registry to be filed at any time thereafter, and requiring action thereon to be brought within six months after the entry of such claim, unless the clerk for cause shall extend the time. In practice, registration of title is only resorted to for business reasons and purposes. Business demands clear and quick and certain results. A long statute of limitation must destroy the usefulness of any registration act. The two-year limitation has been one of the greatest handicaps in Illinois. The five-year limitation in California has been one of the reasons preventing any general resort to that act.

Said period may not be extended by any disability.

Cal. §45.
Colo. §27, 28, 29.
Ill. §26, 27, 28.
Minn. §3394, 3396-7.
Neb. §26, 27, 28.
N. Y. §380, 392.
Ohio §25, 80.
Ore. §25, 26, 27.
Wash. §27-29.
Mass. §13, 15.
Miss. §8, 25.
N. C. §8, 25.
S. C. §8, 25.

SEC. 12. [Books and Cases for Records.] It shall be the duty of the Supervisors of each county and the council of each city in which the office of a registrar of titles may be located to provide appropriate cases and other furniture for the safe and convenient keeping of all the books, documents and papers in the custody of such registrar, and also an official seal, and all necessary books and such printed blanks and stationery for use in registration in such county or corporation as may be ordered by the court.

Cal. §109.
Ohio §91.
N. Y. §376.

SEC. 13. [Court May be Held by Designated Judge.] If the judge of the court, for any reason shall become disqualified or temporarily incapacitated, the court may be held by any other judge of a court of record designated according to law.

Ohio §1.

PART III.

REGISTRARS AND EXAMINERS OF TITLES.

SEC. 14. [Clerks to be Registrars of Title.] The clerks[12] of said courts shall be registrars of title under this act.

(1) They shall do all things required of them by this act, under the direction[13] of their respective courts, and pursuant to rules and regulations established for such courts, and shall be governed by the same general laws as clerks of circuit and city courts in so far as the same may be applicable.

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[12] The act creates no new office. "It was clearly within the provisions of the legislature to impose upon the clerk in his capacity of Recorder of Deeds the duties enjoined upon him by this statute. Making him registrar of titles, does not constitute him a new county officer." People *v.* Crissman, 41 Colo. 450.

[13] Under this provision registration is the act of the court. Tyler *v.* Judges, 175 Mass. 68. See also People *v.* Simon, 176 Ill. 165 and State *v.* Westfall, 85 Minn. 437. Fierce battles have raged over the duties of registrars. The first Illinois act of 1895 was successfully assailed and declared unconstitutional because it conferred judicial powers on the registrars. People *v.* Chase, 165 Ill. 526; and the same

(2) Their official designation under this act shall be registrar of title for their respective counties or cities.

(3) They shall qualify and give bond in accordance with law for the faithful performance of their duties as such.

Cal. §1, 4.	Neb. §1.
Colo. §9.	N. Y. §372, 406.
Ill. §1.	Ohio §1, 2.
Mass. §8, 73.	Ore. §1.
Minn. §3398, 3400.	Wash. §9.

SEC. 15. [Duties and Powers of Registrars of Title.] Registrars of title and their deputies shall be authorized and required, under the direction of their respective courts:

(1) To issue process and to enter the decree of the court touching lands in their respective counties or cities;

(2) To enter and issue certificates of title as provided herein;

(3) To affix the seal of the court to such certificates and their duplicates;

(4) To make entries and memoranda and perform all acts of registration affecting the title to such lands;

(5) To keep a separate account of all moneys with which they may be chargeable under this act, and to make a special return thereof in accordance with the general laws and the special provisions of this act.

(6) And generally to perform such other acts as the court may prescribe.

Cal. §1, 4.	Neb. §2, 3, 6, 29.
Colo. §9, 10, 11.	N. Y. §373-4.
Ill. §2, 3, 6, 29.	Ohio §2.
Mass. §8.	Ore. §2.
Minn. §3399, 3401.	Wash. §9, 10, 11.

SEC. 16. [Examiners of Titles.] The courts of land registration shall appoint,[14] subject to removal at any time, one or more attorneys at law in their respective counties or cities, to be

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fate befell the first Ohio act of 1897. State *v.* Guilbert, 56 Ohio St. 575. Subsequent acts have, however, been upheld over such objections. To avoid any difficulty or doubt in this regard Art. II of the Constitution of *Ohio* has been amended by the addition of Section 40 for the establishment of a land registration system and especially providing that "Judicial powers with right of appeal may by law be conferred upon county recorders or other officers in matters arising under the operations of such system." The provisions of the above section are believed to be sufficient to avoid any constitutional question.

[14] *Cal.:* Referee appointed by court in each case; $10,000 bond. *Colo.* and *Wash.:* one attorney in each county appointed by court; bond. *Ill., Neb.* and *Ore.:* two or more attorneys appointed by registrar in each county; bond fixed by court. *Mass.:* one or more attorneys in

examiners[15] of titles, or the court shall, in any case on motion, appoint special examiners; provided, that in no case shall the petitioner's attorney or attorneys be designated or permitted to act as examiner or examiners of title.

(2) Their duty shall be to search the records and investigate all facts stated in the petition or otherwise brought to their notice in any case referred to them.

(3) They shall have the powers of commissioners in chancery and may hear the parties and receive evidence.[16]

(4) They shall make report to the court, in the form required by it, with a certificate of their examination of the title and their findings of fact.

Cal. §16, 18, 19.
Colo. §13, 24.
Ill. §5.
Mass. §11.
Minn. §3381.
Miss. §3.
Neb. §5.
N. C. §3.
N. Y. §377, 380.
Ohio §3.
Ore. §5.
S. C. §3.
Wash. §13, 24.

PART IV.

Proceedings to Obtain Registration.

Sec. 17. [Petition for Registration.] Suit for registration of title shall be begun by a petition[17] to the court, by a person or persons claiming, singly or collectively,

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each county appointed by judge; removal by Supreme Judicial Court. *Minn.:* one or more attorneys appointed by judges; no provision for removal. *Miss., N. C.* and *S. C.:* three attorneys in each county appointed by clerk for two years; removal at will of clerk or court. *N. Y.:* Attorneys or corporation authorized to guarantee or insure titles qualified under rules of Court of Appeals; bond fixed by court. *Ohio:* one or more attorneys appointed by court: bond $1,000 to $10,000.

[15] Examiners of title not county officers but court officers. State *v.* Westfall, 85 Minn. 437. Examiner acts as a master in chancery. Gage *v.* Consumers' Co., 194 Ill. 30.

[16] Objections to testimony must be made before examiner of titles. O'Laughlin *v.* Covell, 222 Ill. 162. Examiner must not make *ex parte* examinations of abstracts and other evidence of title. Glos *v.* Grant Bldg. Assn., 229 Ill. 387. Objections to admissibility of evidence before examiner must be made at the time it is offered, or will otherwise be excluded. Exceptions to examiner's report must not be general but specific, and must point out the evidence objected to and give reasons for the objections. Bjork *v.* Glos, 256 Ill. 447.

[17] Complaint in action for registration need not set out the statute. It is sufficient to plead facts showing the right to registration. Duffy *v.* Shirden; 139 N. Y. App. Div. 755. Applicant for registration must prove fee simple title either by the production of a regular chain of conveyances from the general government, or by proof of the creation of a title by adverse, open, continuous and hostile possession under claim of title for the period of twenty years, or by the acquisition of a good tax title. Glos *v.* Kingman, 207 Ill. 26; Glos *v.* Holberg, 220

(1) To own,

(2) Or to have the power of appointing or disposing of, an estate in fee simple in any land[18] whether subject to liens or not.

Cal. §5, 8, 9.
Colo. §1-3, 5, 6, 66.
Ill. §7-10, 12.
Mass. §18.
Minn. §3372-3, 3377.
Miss. §4, 5.
Neb. §7-10, 12.
N. C. §4, 5.
N. Y. §370, 378.
Ohio §4-7, 90.
Ore. §5-8, 11.
S. C. §4, 5.
Wash. §1-3, 5, 6, 65.

SEC. 18. [Petition by Representative.] Infants and other persons under disability may sue and defend by guardian, next friend, guardian *ad litem*, committee, or trustee, as the case may be, and corporations by an officer duly authorized.

(2) But the person in whose behalf the petition is made shall always be named as petitioner.

Ill. 167. It is not incumbent on applicant to affirmatively establish the invalidity of tax deeds held by parties defendant. McMahon *v.* Rowley, 238 Ill. 31. The filing of application for registration stops the running of statute limitations and prevents holder of tax title from mending his hold. Woods *v.* Glos, 257 Ill. 125. Any "owner" of land, whether his title be of record or not, may maintain proceedings for registration. A case in which title under an unrecorded deed was registered. National Bond Co. *v.* Alderson, 99 Minn. 137. A party not in possession may bring suit for registration of title against party in possession. "The purpose of the statute is to provide a speedy and summary remedy to clear up title to land. Reed *v.* Siddall, 94 Minn. 216. The remedy provided is not a substitute for an action of ejectment. . . . Moreover, the relief in ejectment is not co-extensive with that which may be had upon an application to register . . . it needs no argument to show that a title could never, in ejectment, be settled as against the whole world, as can be done in an application to register." The several pieces of land must form one compact body or must have the identical chain of title; must not be in different blocks separated by a street, nor in the same block separated by other lots owned by others. Culver *v.* Waters, 248 Ill. 163.

Objections to registration, by holder of tax title, overruled, provision being made to reimburse him for taxes paid by him. Loehde *v.* Glos, 265 Ill. 401. Objections to registration by holder of tax titles overruled. Teninga *v.* Glos, 266 Ill. 94. Application for initial registration must show title against all the world. Teninga, Receiver, *v.* Glos, 266 Ill. 94. The act authorizing registration is not a substitute for a bill in equity to remove a cloud from title, and only authorizes initial registration of a title good against everyone. Glos *v.* Kingman, 207 Ill. 26; Teninga, Receiver, *v.* Glos, 266 Ill. 94; Teninga *v.* Glos, 266 Ill. 121. Title by adverse possession under color, registered without regard to whether claimant can trace back to government by an unbroken chain. Goetz *v.* Glos, 266 Ill. 238. Several tracts with substantially the same chain of title may be registered in one proceeding. Gibson *v.* Glos, 271 Ill. 368.

[18] In some States renewable lease-hold estates for long terms are in common use and often constitute a title practically equivalent to the fee. In Virginia such conditions are not common, and registration is limited to fee simple estates.

(3) A non-resident petitioner shall appoint a resident agent upon whom process and notice may be served.

SEC. 19. [Equity Practice.] Except[19] as otherwise provided, the suit shall be subject to the general rules of pleading and practice in equitable actions.

SEC. 20. [Signature and Oath to Petition.] The petition and any amendment thereto shall be signed and sworn to by each petitioner, or in the case of a corporation or person under disability by the person filing the petition.

SEC. 21. [Contents of Petition.] The petition shall set forth

(1) A full description of the land, and any improvements thereon, with the description and valuation in its last assessment for taxation;

(2) When, how, and from whom it was acquired;

(3) Whether or not it is occupied;[20]

(4) An enumeration of all known[21] liens, interests, and claims, adverse or otherwise, vested or contingent.

(5) And the full names and addresses,[22] if known, of all persons that may be interested by marriage or otherwise, including occupants and adjoining[23] owners.

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[19] Procedure under the act is same as in chancery practice unless as otherwise provided. O'Laughlin *v.* Covell, 222 Ill. 162. "All rules and principles of law applicable to equitable actions and proceedings, and rules of practice with respect to trial, introduction of evidence, findings and order of judgment should so far as not clearly inappropriate or otherwise provided for by the act, be followed and applied." Owsley *v.* Johnson, 95 Minn. 168. It is well settled that proceedings to register title to land are of an equitable nature. Brown *v.* Haggadorn, 119 Minn. 491; Amundson *v.* Glos, 271 Ill. 209.

[20] If applicant alleges lot is unoccupied, he must prove it, otherwise title cannot be registered. Jackson *v.* Glos, 243 Ill. 280. Title cannot be registered without proof of occupancy or vacancy. Brooke *v.* Glos, 243 Ill. 392; Mihalik *v.* Glos, 247 Ill. 597; Strebel *v.* Glos, 271 Ill. 65; Miller *v.* Glos, 271 Ill. 285. Is "occupancy" equivalent to "possession"? Miller *v.* Glos, *supra;* Harts *v.* Glos, 271 Ill. 376; Foulkes *v.* Glos, 272 Ill. 364; Harty *v.* Glos, 272 Ill. 395.

[21] If applicant asks for tax deed to 1 vigintilionth of the lot to be set aside as a cloud on the title, he must reimburse tax-holders. Jackson *v.* Glos, 243 Ill. 280.

Applicant for registration not chargeable with constructive notice of any encumbrance not in his chain of title. Tomczak *v.* Bergman, 269 Ill. 330.

[22] Street address of applicants should be given, but may be supplied later. Creger *v.* Spitzer, 244 Ill. 208.

[23] An abutting owner claiming interest in land to be registered cannot attack constitutionality of act, nor can he plead that complaint fails to state a cause of action; and if not shown by examiner's report to have any interest in tract to be registered and not designated by order of court as a party to be served, he is not a necessary party; if made a party by complainant, it is subject to demurrer. Duffy *v.* Shirden, 139 N. Y. App. Div. 755.

(6) The petition shall be accompanied by a plan made in accordance with the rules of court.

Cal. §6.
Colo. §4.
Ill. §11, 14, 16.
Mass. §20.
Minn. §3374, 3375, 3378.
Miss. §5.
Neb. §11, 14, 16.
N. C. §5.
N. Y. §379, 384.
Ohio §8, 10, 11.
Ore. §9, 12, 13.
S. C. §5.
Wash. §4.

SEC. 22. [Petition to be Filed and Docketed.] The petition shall be filed with the registrar of titles, and shall be forthwith docketed, numbered and indexed by him in a book to be known as the land registration docket of his county or city.

SEC. 23. [Notice of *Lis Pendens.*] The registrar shall also forthwith cause to be recorded and indexed in the proper record book of such county or city a notice, such as is required by law for notice of *lis pendens*, which shall be filed with the petition, and which shall have the full force and effect of a notice of *lis pendens.*

SEC. 24. [Memorandum of Other Papers.] A memorandum of all other pleadings and papers filed with said registrar shall in each case be entered upon his registration docket under the proper number as aforesaid, and the papers in the cause and all writings, instruments and records filed with him shall be safely kept by him in his office, duly numbered, dated, and indexed.

Cal. §11.
Colo. §15, 16, 43.
Ill. §16, 17.
Mass. §12, 48.
Minn. §3380.
Neb. §16, 7.
N. Y. §370, 382.
Ohio §7, 36, 38, 92.
Ore. §15, 16.
Wash. §15, 16, 42.

SEC. 25. [Reference to Examiner of Titles.] Upon the filing[24]

[24] In Miss., N. C. and S. C. no reference is made to the examiner until after the publication of notice and service of process. In other States reference is made as soon as the application or petition is filed. In Illinois, however, the examiner does not report until after expiration of the time specified in the order of publication for the appearance of defendants, and until opportunity is given them to contest the rights of the applicant. An abstract of title is required to be filed in Mississippi, North Carolina and South Carolina. In other States the examiner is required to report his opinion, and sometimes to report the fact on which it is based. Such a report as is contemplated by this section will probably disclose the name and addresses of all persons having any interest in or claim against the land. If any should be omitted or overlooked, they will be discovered under subsequent proceedings. In New York an examiner's certificate must accompany the complaint, and it is for the court to decide whether that is sufficient. It seems better to have an impartial examiner appointed by the court. As he has the powers of a master in chancery, he can compel the testimony of witnesses. He is required to make a report with full extracts from the records, so that the court can judge for itself of the condition of the title.

of a petition for the registration of any land, the court shall refer the same to one of the examiners of title provided for by the act, to examine and report thereon.

SEC. 26. [Report of Examiner.] Such report[25] shall include:

(1) An abstract of title to the land, made from the records and all other evidence[26] that can be reasonably obtained by the examiner;

(2) Full extracts from the records to enable the court to decide the questions involved;

(3) The names and addresses so far as ascertained of all persons interested in the land, as well as occupants and adjoining owners, showing their several interests, and indicating upon whom[27] and in what manner process should be served or notice given in accordance with the provisions of this act.

Cal. §6, 18, 19.
Colo. §17, 24.
Ill. §18.
Mass. §29.
Minn. §3382.
Miss. §8.
Neb. §18.
N. C. §8.
N. Y. §380.
Ohio §13.
Ore. §17.
S. C. §8.
Wash. §17, 24.

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[25] It will be presumed that the examiner considered only competent evidence in making his findings, if the report contains sufficient competent testimony to support such findings. McMahon *v.* Rowley, 238 Ill. 31. Substance of proofs need only be reported by examiner, unless otherwise required by some party. If evidence be not returned, party complaining should ask trial judge for rule on examiner. Creger *v.* Spitzer, 244 Ill. 208. Procedure where examiner fails to report evidence on request. Harmless errors not regarded. Mundt *v.* Glos, 246 Ill. 636. If no exception be taken to report of examiner, it is conclusive. Kenney *v.* Glos, 258 Ill. 555. Exceptions to master's report; practice on appeal. Welsh *v.* Briggs, 204 Mass. 540.

Report of examiner, based on copy of abstract of title, sustained. Loehde *v.* Glos, 265 Ill. 401; Wilson *v.* Glos, 266 Ill. 504; Walther *v.* Glos, 270 Ill. 390; Bonner *v.* Glos, 270 Ill. 567; Harty *v.* Glos, 272 Ill. 395. Court may act on evidence taken by an examiner though he dies before returning it. Amunsden *v.* Glos, 271 Ill. 209.

The position of examiner under this law is one of high responsibility. Unless the examiner performs his duties fully and thoroughly, the court is liable to be misled to the substantial prejudice of some property owner. Shevlin *v.* Fogarty, 133 Minn. 456.

[26] Objections to evidence must be made by exceptions to examiner's report Gage *v.* Consumer's Co., 194 Ill. 30. Rules for objections to examiner's report. Glos *v.* Hobane, 212 Ill. 222; Glos *v.* Holberg, 220 Ill. 167.

[27] If State holds tax liens, it should be made a party. Nat'l Bond Co. *v.* Hopkins, 96 Minn. 119. Persons whose claims are barred are not necessary parties. O'Laughlin *v.* Covell, 222 Ill. 162. Court cannot disregard examiner's report nor decline to make defendant any party whom the examiner finds to have such an interest as to require that he shall be so named. Registration is void against any such party and his privies not made parties. Dewey *v.* Kimball, 89 Minn. 454.

SEC. 27. [Order of Publication *in Rem.*] Upon the filing of the report of the examiner of titles, the court shall cause notice [28] thereof to all persons shown therein to be entitled to the same, and "to all whom it may concern," to be published, and to be posted in the county or city where the land lies, in the same manner and with the same effect as an order of publication in other proceedings *in rem*, subject, however, to the limitation imposed by section eleven of this act.

Cal. §13.
Colo. §17, 19, 20.
Ill. §20.
Mass. §30.
Minn. §3383-4.
Miss. §6, 7.
Neb. §20.
N. C. §6, 7.
N. Y. §385-6.
Ohio §14.
Ore. §19.
S. C. §6, 7.
Wash. §17, 19, 20.

SEC. 28. [Notice by Mail.] A copy of the order of publication shall in all cases be mailed by registered letter demanding a return, to every person interested, named in the petition or in the report of the examiner of titles whose address is given or known.

SEC. 29. [Notice by Posting on Land.] The court shall also cause an attested copy of said order to be posted in a conspicuous place by the sheriff on each parcel of land included in the petition.

It shall require such sheriff to go upon the lands and ascertain and report to court the names and addresses of any person, or persons, actually occupying the premises.

SEC. 30. [Notice to State.] If the petition involves the determination of any public rights or interests, the court shall cause a copy of the order of publication to be delivered by the registrar to the proper attorney for the State, county or city.

SEC. 31. [Other Notice.] The court may cause other or further notice to be given in such manner and to such person as it may deem proper.

And such personal service of process as is required in equitable actions shall also be made upon residents of the State, not under

[28] When application omits names of parties holding easements, but examiner's report gives names and recommends that they be made parties, if not made parties the registration is void and subject to collateral attack on account of constructive fraud. Riley *v.* Pearson, 120 Minn. 210. Title by registration under the Torrens Act of Colorado, by order of publication, is good against a resident of New York. Hunt *v.* Hay, 214 N. Y. 578.

disability, who are made known[29] to the court before final decree and can be reached by its process, unless such service be waived[30] by appearance or otherwise.

SEC. 32. [Effect of Notice.] Notice[31] given under the preceding sections shall be in lieu of personal service of process, except as provided in section thirty-one, and shall be conclusive and binding on all the world.

Cal. §13.
Colo. §20a.
Ill. §19, 21.
Mass. §31.
Minn. §3384.
Miss. §6.
Neb. §19, 21.
N. C. §6.
N. Y. §385-7.
Ohio §15.
Ore. §18, 20.
S. C. §6.
Wash. §20a.

SEC. 33. [Certificate of Service.] Certificates from the registrar and sheriff, or their deputies, showing the due execution of

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[29] When a name of a claimant is known to applicant, he must be summoned and an order of publication does not bind him. "As he is not an 'unknown party' the concealment of his claim is a fraud on the court, and the decree therein is as to him of no force and effect." Baart *v.* Martin, 99 Minn. 197. Failure to republish notice after amendment of description of lots in application is not fatal, where all parties having or claiming to have any interest in the lots were personally served by summons or entered their appearance in writing. Tower *v.* Glos, 256 Ill. 121. If written consent be given to application for registration, no summons against such party is necessary, nor that he be given an opportunity to be heard. He cannot appeal. Such written consent need not be acknowledged before a notary, and it is immaterial whether the statute expressly provides for such consent. Mooney *v.* Valentynovicz, 262 Ill. 355.

Defendant served with process cannot complain because others were not properly served by publication or otherwise. McDonnell *v.* Glos, 266 Ill. 504; Finn *v.* Glos, 268 Ill. 350; Gibson *v.* Glos, 271 Ill. 368.

[30] Consent of persons other than husband and wife, under Ill. Act, §13, need not be acknowledged. Teninga, Receiver, *v.* Glos, 266 Ill. 94.

[31] This statute changed the rule of law as to notice, but the legislature has the right to do this, without violating the Constitution. "Even if the proper construction of the provision were that it attempted to authorize judgment against a resident notified only by publication, yet the law can be given practical effect, in which event only the particular provision would fail, and not the whole law." People *v.* Simon, 176 Ill. 165. By Section 31 service of process is required to be made on all known residents interested. In delivering the opinion of the court in the suit of Tyler *v.* Judges, 175 Mass. 68, Chief Justice Holmes said: "I am free to confess, however, that with the rest of my brethren, I think the act ought to be amended in the direction of still further precautions to secure actual notice before a decree is entered, and that, if it is not amended, the judges of the court ought to do all that is in their power to satisfy themselves that there has been no failure in this regard before they admit a title to registration." Acting on this suggestion the Massachusetts act was amended in 1898 and in 1900 to this effect: "The court shall, so far as it considers it possible, require proof of actual notice to all adjoining owners, and to all persons who appear to have any interest in or claim to the land included in the application. Notice to such person by mail shall be by registered letter." In this section we have gone even further to meet all objections and to insure as far as possible the discovery and notification of all possible claimants.

said order of publication and the mailing and posting of copies thereof, as required by sections twenty-seven to thirty, inclusive, shall be filed among the papers in the cause and be conclusive [32] proof of such service.

Colo. §20a.	N. Y. §387-8.
Mass. §31, 32.	Ohio §16.
Miss. §7.	S. C. §7.
N. C. §7.	Wash. §20a.

SEC. 34. [Time of Hearing.] After the expiration of at least fifteen days from the publication and posting of said order of publication as aforesaid, the cause shall be set down for hearing.

SEC. 35. [Guardian *ad Litem.*] And thereupon the court shall appoint some discreet and competent attorney at law of the county or city in which the land lies, as guardian *ad litem* for all persons under disability, not in being, unascertained, unknown, or out of the State, who may have or appear to have an interest in or claim against the land.

SEC. 36. [Answer to Petition.] Any person having any interest in or claim against the land, whether named in the petition and order of publication or not, may appear and file an answer at any[33] time before final decree.

SEC. 37. [Signature and Oath to Answer.] The answer shall be personally signed and sworn to, by the claimant, or in case of a corporation or a person under disability, by the person authorized to file the answer, unless the court, for good cause shown, otherwise direct.

PART V.

ADJUDICATION OF TITLE.

SEC. 38. [Action on Report of Examiner of Titles.] After the expiration of the time as provided by section thirty-four, the

[32] "The Torrens System of registration of land titles is different from the prevalent method of recording; the manner of bringing lands under such system must be provided by statute; the proceeding is of a different nature from an ordinary action at law or suit in chancery; and we cannot say that the legislature acted unreasonably in providing for a rule of evidence applicable to the proceeding without extending it to all other forms of action in which the title of real estate is involved." Waugh *v.* Glos, 246 Ill. 604.

[33] The Colorado and other acts having special provisions on this subject provide that an answer may be filed within the time named in the summons "or within such further time as may be allowed by the court." It is fairer and better to allow an answer at any time before final decree.

court may proceed to take such action as may be proper,[34] upon the report of the examiner of titles and all other evidence before it with reference to the rights[35] of all persons appearing to have any interest in or claim against the land, and may refer the cause again or require further proof.

Cal. §14, 18.
Colo. §18, 23, 25.
Ill. §23, 24.
Mass. §36.
Minn. §3382.
Miss. §8.
Neb. §23, 24.
N. C. §8.
Ohio §18, 19.
Ore. §23, 24.
S. C. §8.
Wash. §18, 23, 25.

SEC. 39. [Order of Survey, etc.] While the cause is pending before the examiner of titles, or at any time before final decree, and whenever after initial registration a tract of land is subdivided, the court

(1) May require[36] the land to be surveyed, after due notice to owners of adjoining land, by a competent surveyor appointed by the court;

(2) Shall order durable bounds to be set and a plat thereof to be filed among the papers of the suit;

(3) Shall enter all necessary decrees for the establishment, declaration and protection of the right and title of all persons appearing to have any interest in or claim against the land.

Cal. §14.
Ill. §25.
Mass. §35.
Miss. §5, 13, 15.
Neb. §25.
N. C. §5, 13, 15.
N. Y. §381.
Ohio, §19.
S. C. §5, 13, 15.
Ore. §24.

SEC. 40. [Petition May Be Dismissed.] If in any case the petitioner so desires, or if the court is of opinion that the peti-

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[34] Under this provision the cause will be taken for confessed as to all persons who have not appeared and answered and the court will proceed to dispose of the claims of those who have not appeared. People *v.* Crissman, 41 Colo. 450, expressly decides that the court is not bound by the examiner's report.

[35] Rights of intervening parties will be protected. Specific performance of contract enforced. Midway Co. *v.* City of St. Paul, 128 Minn. 135.

[36] When property is subdivided for registration of any subdivision there must be proof thereof by plat or other evidence sufficient for conveyance. Glos *v.* Ehrhardt, 224 Ill. 532. Decree reversed because no plat was proved before registration, and it was impossible to locate the subdivision from the evidence. Glos *v.* Bragdon, 229 Ill. 223. Glos *v.* Grant Bldg. Assn., 229 Ill. 387. A survey is of prime importance and necessity, especially in States in which lands have not been laid off by government survey.

tioner's title is not and cannot be made proper for registration, the petition may be dismissed[36a] without prejudice, on terms to be determined by the court.

Cal. §12.
Colo. §26.
Minn. §3382.
Ohio, §20.
Wash. §26.

SEC. 41. [Amendments to Petition and Other Pleadings.] Amendments[37] to petitions or other pleadings, or the severance[38]

[36a] Petitioner must comply with terms fixed by court in withdrawing petition. McQuesten *v.* Commonwealth, 198 Mass. 172. After decree for petitioner, when on appeal and trial by jury a verdict is given for respondent, petition must be dismissed. Robinson *v.* Richards, 209 Mass. 295. A provision authorizing a dismissal of application does not violate constitution. Peters *v.* Duluth, 119 Minn. 96. Court must dismiss application, on motion, without prejudice, upon such terms as may be fixed by it. "The Torrens Act makes provisions for a special proceeding . . . In a special proceeding, it being within the power of the legislature to limit the jurisdiction of the court, the bounds of the court's jurisdiction are to be found in the limitations of the act under which its jurisdiction is invoked. The legislature might have provided for a determination of conflicting interests if it had been so inclined. But it did not do so. . . . There is more or less difference in the Torrens acts as adopted in the several States. Where, as in Illinois, no provision is made for a voluntary dismissal, but the court is put to a final determination of the issue, it has been held that the court may grant relief as to such portion of the land as the evidence shows the title in fee to be in the applicant, and deny it as to the remainder. Glos *v.* Holberg, 220 Ill. 167. But our law was drawn upon a different theory." Krutz *v.* Dodge, 66 Wash. 178.

Undoubtedly, under this section, the court may, in the proper case, dismiss or allow dismissal without prejudice, as in any other action, and must, furthermore, dismiss where applicant fails to establish title, whether because a defendant has established titles in himself or otherwise; but what court would, after trial on the merits of defendant's claim of title, fail to make findings according to the facts proved? Indeed, failure to make such findings to a defendant's prejudice would be reversible error. (Owsley *v.* Johnson, 95 Minn. 168.) . . . In short, where defendant establishes title, the court must so find, and thereupon dismiss, not without prejudice as between applicant and such defendant, but absolutely. Hence the defendant in a registration proceeding may have all the relief usually available in an action to determine adverse claims wherein he is defendant. Seeger *v.* Young, 127 Minn. 416.

[37] Amendment of petition by substituting name of respondent for petitioner is illegal and void. "If the respondents had wished to become petitioners they should have brought their own petition." Foss *v.* Atkins, 204 Mass. 337. Court properly permitted answer to be amended. Kuby *v.* Ryder, 114 Minn. 217.

[38] Title to a portion of the property may be registered when properly established. Glos *v.* Holberg, 220 Ill. 167. G holding tax title to a portion of land offered for registration, claims ownership. Examiner of titles reported against validity of G's claim, but applicant dismissed application as to said portion of land. *Held:* G cannot complain because his claim was allowed; also cannot complain of the application, nor because not allowed to make unnecessary amendments to his answer. Glos *v.* Murphy, 225 Ill. 58. See also Tower *v.* Glos, 256 Ill. 121. The provisions of this section have been broadened in the interest of business under the act. It covers the amendments to the Massachusetts act and adopts suggestions made by Hon. Charles Thornton Davis, Chief Judge of the Massachusetts Land Court, as to the omission or severance of any portion or parcel of the land.

thereof, including joinder, substitution, or discontinuance of parties, and the omission or severance of any portion or parcel of the land, may be ordered or allowed by the court at any time before final decree upon terms that may be just and reasonable; and the court may require facts to be stated in an amended petition in addition to those prescribed by this act.

Cal. §10.	Ill. §14.
Colo. §4.	Neb. §14.
Mass. §20, 21, 23, 27.	Ore. §13.
Minn. §3378.	Wash. §4.

SEC. 42. [Land May be Dealt With, Pending Registration, Subject to Decree of the Court.] The land described in any petition may be dealt with pending[39] registration as if no such petition had been filed.

(1) But any instrument admitted to record under the general laws in relation to such land pending action on said petition shall also be docketed and indexed as required by section twenty-two of this act;

(2) And any person who shall acquire any interest in or claim against such land shall at once appear as a petitioner, or answer as a party defendant, in the proceedings for registration, and such interest or claims shall be subject to the decree of the court.

Colo. §32.	N. Y. §398.
Mass. §22, 28.	Ohio §12.
Minn. §3395.	Wash. §32.

SEC. 43. [Certificate of Taxes Paid.] No final decree of registration shall be entered until proof is made by certificate from the proper officer that all taxes and levies assessed on said land and then due or delinquent have been paid in full.

SEC. 44. [Decree of Registration is Final, Quiets Title, and Binds All the World, Subject to Appeal, etc.] If the court, after final hearing, is of opinion that the petitioner has title[40] proper for registration, a decree of confirmation and registration shall

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[39] Alienees of claimant pending registration proceedings are not entitled to answer as a matter of right, but answer must be filed in a reasonable time; a delay of six months is unreasonable, and the court did not abuse its discretion in denying the right to answer after such delay. Brown *v.* Haggadorn, 119 Minn. 491.

[40] Applicant must prove fee simple title in himself by tracing back to government grant or by statutory limitations. Glos *v.* Holberg, 220 Ill. 167. Applicant must show title good against the world; *prima facie* title not sufficient. Glos *v.* Wheeler, 229 Ill. 272. Defendant to application cannot complain of title to lots in which he claims no interest. Mundt *v.* Glos, 231 Ill. 158. A good tax title may be registered. Tobias *v.* Kaspzyk, 247 Ill. 80. In a petition for registration of

be entered; and every decree of registration entered in accordance with the provisions of this act,

(1) Shall bind[41] the land and quiet the title thereto, except as herein otherwise provided;

(2) Shall be forever binding and conclusive upon all persons, resident or non-resident, including the State, whether mentioned by name in the order of publication or included under the general description, "to all whom it may concern;"

(3) And shall not be attacked or opened or set aside by reason of the absence, infancy, or other disability of any person affected thereby, nor by any proceeding at law or in equity for rehearing or reversing judgments or decrees, except as herein especially provided.

Cal. §9, 14, 15, 17.
Colo. §23, 27.
Ill. §25, 26.
Mass. §34, 37.
Minn. §3390.
Miss. §8, 9.
Neb. §14.
Neb. §25, 26.
N. C. §8, 9.
N. Y. §391.
Ohio §22.
Ore. §24, 25.
S. C. §8, 9.
Wash. §23, 27.

SEC. 45. [Form of Decree and Manner of Registration.] Every decree of initial registration and subsequent memorial shall be made in convenient form for transcription upon the certificate of title, showing the following items:

(1) *Owners:*

Name and residence of the owner, and whether married or unmarried, and the name of the consort, if any;

If the owner is under disability, the nature thereof, and if an infant, his age;

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tax title former owner was made defendant. Time for redemption had not expired when application was filed, but owner failed to take advantage of this and the title was registered in name of claimant after redemption period. *Held:* a good registry, and that no one but former owner might have complained; State could not. Gates *v.* Keigher, 99 Minn. 138. Tax title registered subject to lien of city assessments. Gould *v.* City of St. Paul, 110 Minn. 324. Tax title registered. Hendricks *v.* Hess, 112 Minn. 252. Title by adverse possession under statute of limitations may be registered; partition decree given color of title. Peters *v.* Dicus, 254 Ill. 379. When one consents to registration, decree is final as to him and cannot be set aside at a subsequent term. Mooney *v.* Valentynovicz, 255 Ill. 118. Petitioner's right to fee in land under R. R. right of way and station may be registered. Battelle *v.* N. Y. &c. Ry., 211 Mass. 442. Petitioner must recover upon strength of his own title, and not upon the weakness of his adversary's title. Owsley *v.* Johnson, 95 Minn. 168.

[41] A decree of registration cannot be collaterally attacked for error or fraud. State *v.* Ries, 123 Minn. 397.

If a corporation, the place of incorporation and its chief office;

If a personal representative or trustee, the name of decedent or beneficiary.

(2) *Land:*

Description of the land as finally determined by the court;

The estate of the owner therein;

Also all the rights and easements appurtenant to said land;

And also a description of all particular estates, easements,[42] liens, or other encumbrances, or rights[43] to which the land or the owner's estate is subject, showing their relative priorities.

(3) *Other Matters:* Any other matter determined in pursuance of the provisions of this act.

SEC. 46. [Time of Taking Effect.] Such decree or memorial shall take effect upon the land described therein as of the day, hour and minute it is filed for registration in the office of the proper registrar.

SEC. 47. [Registrar's Memorandum.] The registrar shall forthwith record the said decree in the proper book of the court, and shall forthwith enter and properly number, minutely date, and index a memorandum thereof on his land registration docket and in the entry book hereinafter directed to be kept by him, and shall cause to be recorded and indexed a like memorandum in the proper deed book of the county or city.

PART VI.

CERTIFICATES OF TITLE.

SEC. 48. [Entry in Registry of Titles.] Said decree or memorial, or so much thereof as may be ordered by the court, shall be copied, numbered, signed, and sealed with the seal of the court

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[42] "There is no provision in the Land Registration Act for an application by the owner of an easement for the registration of his title . . . It seems to us, therefore, that the statute was not intended to afford a remedy by which owners of easements in the same land could have the nature and extent of their rights settled, and should not be so construed." Minot *v.* Cotting, 179 Mass. 325. Land Court may determine boundaries of highway. First National Bank *v.* Woburn, 192 Mass. 220.

[43] Title registered subject to possible claims of creditors of a decedent dead for less than seven years. Finn *v.* Glos, 268 Ill. 350.

by said registrar and registered in the book hereinafter directed to be kept by him, to be known as the register of titles, for his county or city; and when so registered shall constitute the original certificate of title.

Subsequent certificates covering the same land shall be in a like form, but shall be designated "transfer certificate No. ..... (the number of the next previous certificate covering the same land), original certificate registered ..... (date, volume and page of registration)."

New and appropriate numbers shall be adopted for any subsequent certificates not covering the whole of said land.

Cal. §15, 16, 23, 31, 57.	Neb. §29-33, 38, 56.
Colo. §31, 36, 39, 41.	N. Y. §394.
Ill. §29-33, 38, 56.	Ohio §22, 23, 37, 75, 76.
Mass. §39, 41, 53, 54.	Ore. §28, 32.
Minn. §3391.	Wash. §31, 35, 38, 40.

SEC. 49. [Entry Book Kept by Registrars.] (1) Each registrar shall keep an entry book in which he shall enter, in the order of their reception, a memorandum of any writing, instrument, or record filed with him for registration, and shall note in such book the year, month, day, hour, and minute of such filing.

(2) Every such writing, instrument, or record shall be numbered, indexed and indorsed with reference to the entry thereof and securely kept in the office of the registrar.

(3) Every such entry shall be minutely dated, numbered and indexed, and shall refer to the certificate of title hereinafter mentioned, upon which, as well as upon its duplicate or duplicates, a memorandum of such entry shall be made.

Cal. §22, 51.	Neb. §49-51.
Colo. §47.	N. Y. §409.
Ill. §49-51.	Ohio §35.
Mass. §55.	Ore. §48-50.
Minn. §3402, 3406.	Wash. §46.

SEC. 50. [Register of Titles Kept by Registrar.] Each registrar shall also keep a register of titles book, in which, under the direction of the court, he shall

(1) Register, number and index the original certificates of title and all subsequent certificates of title, and all voluntary or involuntary transactions authorized to be registered under this act; and

(2) Note thereon, and also upon the duplicate certificate thereof, when originally issued or subsequently presented, the day, hour, and minute of registration in each case in conformity with the date shown by the entry book.

Cal. §29.
Colo. §35.
Ill. §35, 98.
Mass. §55.
Minn. §3402, 3406.
Miss. §10.
Neb. §35, 91.
N. C. §10.
N. Y. §395.
Ohio §23, 82.
Ore. §34, 97.
S. C. §10.
Wash. §34.

SEC. 51. [Certificate of Title.] (1) Every certificate of title entered in the register of titles as aforesaid, together with the memorials thereon, if any, shall be known as "the certificate of title."

(2) Said certificate shall be conclusive evidence of all matters contained therein, except as otherwise provided in this act.

(3) No erasure, alteration, or amendment of said certificate, or of any memorial thereon, shall be made except by order of court.

Cal. §23, 30.
Colo. §35, 37, 48, 57.
Ill. §35-7, 39.
Mass. §40, 46, 107.
Minn. §3404, 3408, 3439.
Neb. §35-7, 39.
N. Y. §395-7, 399.
Ohio §23, 27, 72, 93, 98.
Ore. §34-6, 38.
Wash. §34, 36, 47, 50.

SEC. 52. [Owner's Duplicate Certificate.] An exact copy of the certificate of title shall be made, except that it shall be conspicuously stamped or marked "owner's duplicate," and shall be delivered to the owner, or his attorney, duly appointed, upon his receipt therefor in writing upon said certificate of title attested by the registrar or his deputy.

SEC. 53. [Certificates of Title to be Numbered, and Memorials Thereon to be Signed and Sealed.] (1) All the certificates of title of land in each county or city shall be numbered consecutively.

(2) A separate folium, with appropriate spaces for subsequent memorials, shall be devoted to each title in the register of titles for each county or city.

(3) Every certificate and memorial thereon shall appropriately conform to the requirements of sections forty-five and forty-eight of this act as to particulars of form.

(4) Every memorial made upon any certificate of title or duplicate certificate under any provision of this act shall be signed by the registrar and sealed with the seal of the court and minutely dated and numbered in conformity with the date and number shown by the entry book.

Cal. §23, 50.
Colo. §36, 81.
Ill. §35, 56.
Mass. §40.
Minn. §3403.
Miss. §11.
Neb. §35, 56.
N. C. §11.
N. Y. §394.
Ohio §23, 37.
Ore. §34, 55.
S. C. §11.

PART VII.

Registration of Transfers and Other Transactions.

Sec. 54. [Transfers of the Whole of any Registered Estate.] Whenever the whole of any registered estate is transferred, the transaction shall be duly noted and registered in accordance with the provisions of this act.

Thereupon the certificate of title and any duplicate certificate relating to such estate shall be cancelled by the registrar of each county or city in which the land, or any part thereof, lies, if desired by the registered owner, and a new certificate or certificates of title shall be entered in the register of titles for such county or city, and a duplicate or duplicates thereof issued, as the case may require.

Cal. §25, 26, 48.
Colo. §38, 52, 60, 61.
Ill. §34, 47, 57, 64.
Mass. §56.
Minn. §3409, 3417, 3420.
Miss. §12.
Neb. §34, 47, 57, 64.
N. C. §12.
N. Y. §413.
Ohio §37.
Ore. §33, 46, 56, 63.
S. C. §12.
Wash. §37, 51, 59, 60.

Sec. 55. [Partial Transfers, Encumbrances, Leases.] If only a portion of such estate is transferred, or in case of an encumbrance or lease for more than one year, the transaction shall be duly noted and registered as aforesaid; and a new certificate of title shall be entered in the register of titles and new owner's duplicate certificate shall be issued for the portion transferred

and the portion untransferred, or a beneficiary's duplicate or lessee's duplicate may be issued as the case may require.

Cal. §25, 26, 49.
Colo. §40, 49, 52, 63.
Ill. §48, 64.
Mass. §47, 57, 59.
Minn. §3417, 3420, 3422.
Miss. §13, 14.
Neb. §48, 64.
N. C. §13, 14.
N. Y. §407.
Ohio §3, 8, 39.
Ore. §47, 63.
S. C. §13, 14.
Wash. §39, 48, 51, 62.

SEC. 56. [Memorials to be Noted.] All registered encumbrances, rights, or adverse claims affecting the estate represented thereby, shall continue to be noted upon every outstanding certificate of title and duplicate certificate until the same shall have been released or discharged.

Cal. §43.
Colo. §56, 57.
Ill. §45.
Mass. §58.
Minn. §3420.
Miss. §14.
Neb. §45.
N. C. §14.
N. Y. §403.
Ohio §33.
Ore. §44.
S. C. §14.
Wash. §55, 56.

SEC. 57. [Registration of Voluntary Transactions.] In voluntary transactions, the duplicate certificate of title must be presented along with the writing or instrument filed for registration; and thereupon, and not otherwise, the registrar shall be authorized to register the transaction, under the direction of the court, upon proof of payment of all delinquent taxes and levies, if any.

Cal. §58-65.
Colo. §50, 52-3, 57-8, 63.
Ill. §54-5, 59-67, 80-81.
Mass. §60.
Minn. §3419, 3420, 3423.
Miss. §14, 15.
Neb. §54-5, 59-67, 73-4.
N. C. §14, 15.
N. Y. §406, 415.
Ohio §44-49.
Ore. §53-54, 58-66.
S. C. §14, 15.
Wash. §49, 51-2.

SEC. 58. [Registration of Involuntary Transactions.] In involuntary transactions, a certificate from the proper State, county, city, or court officer, or a certified copy of the order, decree, or judgment of any court of competent jurisdiction, or other appropriate evidence of compliance with the statute in relation to such transaction, when filed in the office of the proper registrar, shall be authority for him to register the transaction under the direction of the court.

Provided that any writing or instrument for the purpose of transferring, encumbering, or otherwise dealing with equitable interests in registered land, may be registered with such effect as it may be entitled to have.

Cal. §72-3.
Colo. §60-61, 72, 76, 91.
Ill. §80-81, 84-91.
Mass. §66, 70, 75, 77, 79-86.
Minn. §3419, 3426-7, 3430, 3434-5, 3441.
Miss. §14, 16.
Neb. §73-4, 77-84.
N. C. §14, 16.
N. Y. §417.
Ohio §43, 50-6, 59-64, 66-7, 78.
Ore. §79-80, 83-90.
S. C. §14, 16.
Wash. §59, 60.

Sec. 59. [Production of Duplicate Certificate Required.] Whenever a duplicate certificate is not presented to the registrar along with any writing, instrument, or record filed for registration under this act, he shall forthwith send notice by registered mail to the owner of such duplicate requesting him forthwith to produce the same, in order that a memorial of the transaction may be made thereon; and such production may be required by suitable process of the court, if necessary.

Colo. §50, 78.
Ill. §60, 64, 88.
Mass. §51, 71, 106.
Minn. §3413, 3419, 3430.
Miss. §14, 17.
Neb. §60, 64, 81.
N. C. §14, 17.
Ohio §28, 37, 41, 74, 78, 100.
Ore. §59, 63, 87.
S. C. §14, 17.
Wash. §49, 77.

Sec. 60. [Registration of Trusts, Conditions, Limitations and Other Equitable Interests and Estates.] Whenever a writing, instrument, or record is filed for the purpose of transferring registered land in trust, or upon any equitable condition or limitation expressed therein, or for the purpose of creating or declaring a trust or other equitable interest in such land without transfer, the particulars of the trust, condition, limitation, or other equitable interest shall not be entered on the certificates, but it shall be sufficient to enter in the entry book and upon the certificates a memorial thereof by the terms "in trust," or "upon condition," or other apt words, and to refer by number to the writing, instrument, or record authorizing or creating the same.

And if express power is given to sell, encumber, or deal with the land in any manner, such power shall be noted upon the certificates by the terms "with power to sell," or "with power to encumber," or by other apt words.

And unless express power be given as aforesaid, no subsequent transfer or memorial shall be registered on such certificate except by special order of court.

Cal. §67, 70.
Colo. §64.
Ill. §68-9.
Mass. §64-8.
Minn. §3429.
Miss. §10, 19.
Neb. §68-9.
N. C. §10, 19.
Ohio §32, 65.
Ore. §67-8.
S. C. §10, 19.

SEC. 61. [Registration of Estates of Decedents.]

(1) Lands and any estate or interest therein registered under this act shall, upon the death [44] of the owner, testate or intestate, go to his personal representative in like manner as personal estate, and shall be subject to the same rules of administration as personalty, except as otherwise provided in this act.

(2) But nothing herein contained shall alter or affect

(a) The course of ultimate descent under the statute of descents and distributions and the rights of dower and curtesy, when duly registered;

(b) Nor the order in which real and personal assets respectively are now applicable in and towards the payment of funeral and testamentary expenses, debts, or legacies;

(c) Nor the liability of real estate to be charged with the payment of debts and legacies.

Cal. §74-5.
Colo. §74.
Ill. §70-2.
Mass. §91.
Minn. §3436.
Neb. §70-2.
N. Y. §423-5.
Ohio §42-3.
Ore. §69-71.
Wash. §73.

SEC. 62. [Powers of Personal Representatives.]

(1) Subject to the powers, rights and duties of administration, the personal representatives of such deceased owner shall hold such real estate as trustees for the persons by law beneficially entitled thereto,

(2) But, unless otherwise entitled by law to commissions, shall be entitled to no commissions thereon except in cases of necessary sales in due course of administration.

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[44] "We are not impressed with the soundness of the objection to those sections of the statute which relate to the descent of lands on the death of a registered owner." People *v.* Simon, 176 Ill. 165.

(3) And the heirs at law or beneficiaries aforesaid shall have the same power of requiring a transfer of such estate as if it were personal estate.

Ill. §70-72.
Neb. §70-72.
Ore. §69-78.

SEC. 63. [Registration of Delinquent Taxes and Levies.]

(1) It shall be the duty of the treasurer or other collector of taxes or levies of each county, town, or city, not later than the fifteenth day of December in each year, to file an exact memorandum of the delinquency, if any, of any registered land for the non-payment of the taxes or levies thereon, including the penalty therefor, in the office of the proper registrar for registration.

(2) If any such officer fail to perform said duty, he and his sureties shall be liable for the payment of said taxes and levies, with the penalty and interest thereon.

Miss. §21.
Ill. §82.
Neb. §75.
N. C. §21.
S. C. §21.

SEC. 64. [Registration of Sales for Delinquent Taxes or Levies.]

(1) Whenever any sale of registered land is made for delinquent taxes or levies, it shall be the duty of the treasurer or other officer making such sale, forthwith to file a memorandum thereof for registration in the office of the proper registrar.

(2) Thereupon the registered owner shall be required to produce his duplicate certificate for cancellation, and a new duplicate certificate shall be issued in favor of the purchaser, and the land shall be transferred on the land books to the name of such purchaser, unless such delinquent charges and all penalties and interest thereon be paid in full within ninety days after the date of such sale.

(3) But a memorial shall be entered upon the certificate of title, and also upon any such new duplicate certificate, reserving the privilege of redemption in accordance with law.

Cal. §77-83.
Ill. §82-3.
Miss. §22.
Neb. §75-6.
N. C. §22.
Ohio §57-8.
Ore. §81-2.
S. C. §22.

SEC. 65. [Same: Registration of Redemption.] In case of any redemption under the preceding section, a memorial of the fact shall be duly registered; and if a duplicate certificate has been issued to any purchaser, the same shall be cancelled and a new duplicate shall be issued to the person who has redeemed.

SEC. 66. [Same: Registration of Final Sale, if No Redemption.]

(1) If there be no redemption under said section in accordance with law, it shall be the duty of the treasurer, or other collector of taxes of the county or corporation in which the land lies, to sell the same, at public auction, for cash, having first given reasonable notice of the time and place of sale.

(2) The proceeds of sale shall be applied—

First, to the payment of all taxes then due the State, and all levies and taxes then due the county, town, or city, with interest, penalty and costs;

Second, to the payment of all sums paid by any person who purchased at the former tax sale, with interest and the additional sum of five dollars;

Third, to the payment of a commission to the officer making the sale of five per centum on the first three hundred dollars and two per centum on the residue of the proceeds;

Fourth, to the satisfaction of any liens other than said taxes and levies registered against said land in the order of their priorities;

Fifth, and the surplus, if any, to the person in whose name the land was previously sold for taxes, subject to redemption, as provided by section sixty-four of this act, his heirs, personal representatives, or assigns.

(3) A memorial of the sale under this section shall be duly registered, and a new certificate shall be entered and a duplicate issued in favor of the purchaser, in whom title shall be thereby vested as registered owner, in accordance with the provisions of this act.

Special attention is invited to the notable provisions of Sections 63-66 inclusive. In the first place, all taxes and levies are required to be registered as soon as delinquent. The effect of this will be to prevent delinquencies, for thus every man will have attention sharply called to any delinquency, and no man will want a visible cloud on his title to interfere with the use and market value of his certificate. But if he should be negligent or indifferent, mark what pressure is put on him to induce attention to business. There are two sales—the first subject to

redemption, the second absolute and final. Thus, the land is first sold for taxes, as soon as the ordinary statutory period arrives for such sale, and the owner is then required to surrender his certificate for cancellation. Surely this will bring him to his senses, and he will then settle the taxes. But if he should still remain delinquent, he will, nevertheless, be allowed the usual statutory period within which to redeem. If, however, he again be prevented by indifference or misfortune from taking advantage of this opportunity, then comes the last act in the tragedy and the final foreclosure is made. But this final sale is made at public auction after reasonable notice of the time and place of sale. The purchaser knows he will now get an absolute title, and, therefore, the land will fetch its full market value. And the proceeds of sale are to be applied: (1) To the payment of all taxes and levies, with interest, penalties and costs. (2) To the payment of the first purchaser, with interest, and the additional sum of five dollars, to encourage purchases at the first sale, and thus to insure the prompt receipt of taxes and levies through the certainty of purchase. (3) To the payment of a reasonable commission to the officer making the sale. (4) To the satisfaction of any subordinate liens on the property, in the order of their priority; and (5) the surplus, if any, to the owner, his heirs, personal representatives or assigns. Tell me, is not this justice? And when has the State ever before undertaken to do justice to her citizens in the matter of delinquent taxes? Too well we know how often she has robbed her children by tax sales, often made without knowledge on their part of any delinquency. Too well we know—at least in Virginia—how the Commonwealth has fostered bands of land-grabbers feasting like harpies on the possessions and homes of her children. In ordinary tax sales, as you know, no effort is made to obtain a fair price for the land; and indeed it is not possible to obtain any, because tax titles are notoriously infirm and worthless. But under this procedure an unassailable title will pass, the full value of the property will be realized, and the proceeds will be equitably distributed. Heretofore the State has been "forfeiting" titles for taxes, but hereafter she will act as a trustee in all delinquent sales of registered lands. And now for the first time, without surrendering a single one of her rights, the State, under this Act, will abolish these hoary evils and remove from her name the reproach of robbery.

Sec. 67. [Same: Future Interests Not Affected.] Nothing in the preceding section shall be so construed as to affect, or divest, the title of a tenant in reversion or remainder to any real estate which has been returned delinquent and sold on account of the default of the tenant for life in paying the taxes or levies assessed thereon.

Cal. §77-83.	N. C. §23.
Ill. §82-3.	Ohio §57.
Miss. §23.	Ore. §81-2.
Neb. §75-6.	S. C. §23.

PART VIII.

Sundry Proceedings After Registration.

Sec. 68. [Petitions Concerning Registered Land and Caveats and Decrees Thereon.] Any registered owner of any estate or interest in land, or any person having any claim against registered land arising from any other cause than fraud or forgery

since the land was registered, may, within ninety days after the claim or cause of complaint shall have arisen, petition the court for relief in any matter within its jurisdiction; and it shall be the duty of the proper registrar, upon the request of any such person, to register a memorial that such petition has been or will be filed, which memorial shall serve as a caveat and be notice to all persons.

(2) And whenever any registrar is in doubt as to the proper registration to be made in any case, or when any person is aggrieved by any act or refusal to act by the registrar, the question may be likewise submitted by petition.

Cal. §39, 97-100.
Colo. §49, 62, 78, 82, 89.
Ill. §92-6.
Mass. §52, 105, 107.
Minn. §3407, 3426, 3435, 3438-9.
Miss. §25.
Neb. §85-9.
N. C. §25.
N. Y. §383, 422.
Ohio §40, 68, 70, 79.
Ore. §91-5.
S. C. §25.
Wash. §48, 61, 77, 81, 88.

SEC. 69. [Same: Hearing and Decree.] After notice to the parties interested, the court shall hear the cause, and, with due regard to the provisions of this act, shall enter such decree as justice and equity may require, which shall be registered, and take effect in like manner as the original decree for registration.

SEC. 70. [Same: Service of Notice.] Notice in lieu of process under this act or otherwise in relation to registered land, may be served upon any person by registered mail, and the post office registry return receipt shall be evidence of such service, and shall be binding, whether such person resides within or without the State; but the court may in any case order different or further service by publication once a week for four successive weeks in some convenient newspaper or otherwise, which shall be likewise binding.

SEC. 71. [Proceedings Upon Loss or Destruction of Duplicate Certificate.]

(1) Whenever a duplicate certificate of title is lost or destroyed, the owner, or his personal representative, may petition the court for the issuance of a new duplicate.

(2) Notice of such petition shall be published once a week for four successive weeks, under the direction of the court, in some convenient newspaper.

(3) Upon satisfactory proof that said duplicate certificate has been lost or destroyed, the court may direct the issuance of a new duplicate certificate, which shall be appropriately designated and take the place of the original duplicate.

Cal. §27.
Colo. §51.
Ill. §58.
Mass. §104.
Minn. §3412.
Miss. §24.
Neb. §58.
N. C. §24.
N. Y. §414.
Ore. §57.
S. C. §24.
Wash. §50.

PART IX.

Legal Effects of Registration of Title.

Sec. 72. [Effect of Registration as Notice to Subsequent Purchasers.] Every voluntary or involuntary transaction which, if recorded, filed, or entered in any clerk's office, would affect unregistered land, shall, if duly registered in the office of the proper registrar, and not otherwise, be notice to all persons from the time of such registration, and operate in accordance with law and with the provisions of this act upon any registered land in the county or city of such registrar to which it relates.

Sec. 73. [Effect of Registration Upon Adverse Claims.] Every registered owner of any estate or interest in land brought under this act shall hold the land free [45] from any and all adverse claims, rights, or encumbrances not noted on the certificate of title, except—

First. Liens, claims, or rights arising or existing under the laws or Constitution of the United States [46] which the statutes of this State cannot require to appear of record under registry laws.

Second. Taxes and levies assessed thereon but not delinquent.

Third. Any lease for a term not exceeding one year under which the land is actually occupied.

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[45] Registration is good against purchaser at tax sale who fails to take out tax deed, and bars any claim for reimbursement of taxes and special assessments paid by claimant while holding certificate of tax sale, upon which the time for the execution of a deed subsequently expired without any deed being taken. Snow *v.* Glos, 258 Ill. 275.

[46] Title registered before land had been patented and granted by U. S. void. Shevlin *v.* Fogarty, 130 Minn. 456.

Cal. §34, 37-8, 41, 45-6.
Colo. §30.
Ill. §40, 42-4.
Mass. §37-8, 54, 63.
Minn. §3393.
Miss. §25.
Neb. §40, 42-4.
N. C. §25.
N. Y. §392, 400.
Ohio §22, 25, 98.
Ore. §39.
S. C. §25.
Wash. §30.

SEC. 74. [Same: Fraud or Forgery.] The foregoing section shall not apply to the benefit of a registered owner—

(1) In cases of forgery whether or not he be a party or privy thereto;

(2) In cases of fraud to which he is a party, or in which he is a privy without valuable consideration paid in good faith.

Virginia adopted this section as recommended in the footnote thereto in the Uniform Land Registration Act, so that no one can be deprived of title by forgery, and that the usual doctrine shall apply in cases of fraud.

SEC. 75. [Effect of Registration Procured Through Fraud or Forgery.] Any registration procured through fraud or forgery may be set aside by the court according to the rules of equity; but the rights and title of an innocent intervening registered encumbrancer or purchaser for value and without notice shall not be affected thereby, except as provided in section seventy-four. And in all such cases the injured party may pursue all his legal and equitable remedies [47] against the party or parties to such fraud or forgery.

Colo. §46.
Ill. §42-3, 65.
Mass. §59, 70.
Minn. §3416, 3430, 3440-1.
Miss. §18.
Neb. §42-3, 65.
N. C. §18.
N. Y. §392, 402, 410.
Ohio §41, 50, 88, 89.
Ore. §41-2.
S. C. §18.
Wash. §45.

[47] Application to vacate a decree of registration for fraud is governed by general equitable consideration. "The fact that a statute does not expressly provide that fraud shall invalidate acts authorized to be done under it does not deprive the courts of the general power to protect the rights of the parties. . . . The 60-day limitation contained in the statute when these transactions occurred (now made six months by R. L. 1905, Sec. 3396) has no application to the case at bar. If the defrauded party is not guilty of laches, he may attack the decree on the ground that it was obtained by fraud, so long as the land stands registered in the name of the party who was guilty of the fraud." Baart *v.* Martin, 99 Minn. 197. In this case the court said: "An examination of the Torrens laws of the different States and colonies discloses the fact that those of Minnesota and the Fiji Islands only contain no express exception of cases of fraud. All the

SEC. 76. [Land to Remain Forever Registered.] The obtaining of a decree of registration and the entry of a certificate of title shall be construed as an agreement running with the land, and the same shall forever remain registered land, subject to the provisions of this act and all amendments thereof.

Cal. §44.	N. C. §26.
Colo. §33.	N. Y. §404.
Ill. §46.	Ohio §26, 86.
Mass. §44.	Ore. §45.
Miss. §26.	S. C. §26.
Neb. §46.	Wash. §33.

SEC. 77. [No Rights by Adverse Possession or Prescription.] No title to, nor right, nor interest in, registered land in derogation of that of the registered owner shall be acquired by prescription or adverse possession.

Cal. §35.	Neb. §41.
Colo. §34.	N. C. §27.
Ill. §41.	N. Y. §401.
Mass. §45.	Ohio §85.
Minn. §3371.	Ore. §40.
Miss. §27.	S. C. §40.

SEC. 78. [Effect of Subsequent Dealings With Registered Land.] Except as otherwise specially provided by this act,

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original Torrens statutes carefully guard against the possibility of an owner being fraudulently deprived of his property." When applicant omits names of parties holding easements and examiner mentions them and recommends, that they be made parties, registration without making them parties is void and subject to collateral attack for constructive fraud. "Any other conclusion would go far to remove the safeguards which make the law constitutional. It would make a strong argument for holding that the act was invalid, because the proceedings do not constitute due process of law." Riley *v.* Pearson, 120 Minn. 210. Decree of registration is not good against claimant whose name, though known, is given incorrectly in application, and who has no actual notice. Arnold *v.* Smith, 121 Minn. 116. The question whether an innocent purchaser of a registered Torrens title is protected against the fraud of his grantor in failing to disclose in the registration proceedings an unrecorded mortgage, cannot be raised by demurrer to answer pleading innocent purchase and a general denial of all the allegations of the complaint. Henry *v.* White, 121 Minn. 527. Where owner fraudulently fails to mention unrecorded mortgage in application, and does not make mortgagee a party to proceedings for registration, *held* that innocent purchaser of registered title takes it free of lien. "It is difficult to see what would remain of the indefeasible character of a Torrens title, if the decree is open to collateral attack as against one who purchases in good faith for a valuable consideration, and with nothing to put him on inquiry as to fraud on the part of the applicant. Henry *v.* White, 123 Minn. 182; State *v.* Rees, 123 Minn. 397. "Good faith in the acquirement of title, within the meaning of the statute, does not require ignorance of adverse claims or defects in the title. Notice actual or constructive is of no consequence." So held in a suit for registering title by adverse possession. Peters *v.* Dicus, 254 Ill. 379.

registered land and ownership therein shall be subject to the same rights, burdens and incidents as unregistered land, and may be dealt with by the owner, and shall be subject to the jurisdiction of the courts in the same [48] manner as if it had not been registered.

(2) But registration [49] shall be the only operative act to transfer or affect the title to registered land, and shall date from the time the writing, instrument, or record to be registered is duly filed and entered in the office of the proper registrar.

(3) Subject to the provisions of section seventy-three hereof, no voluntary nor involuntary transaction shall affect the title to registered land until registered in accordance with the requirements of this act.

Cal. §32, 39, 48, 53, 55-6, 58, 71, 84-8, 89-97, 101, 104.
Colo. §41, 45-7, 52, 54-5, 59, 61, 65, 67-8, 70-1, 76-7.
Ill. §38, 42-4, 47, 49, 52, 54-5, 59-67, 80-1, 84-91.
Mass. §49, 50, 55, 56, 59-62, 67, 69, 70, 72-3, 77-90, 103.
Minn. §3371, 3411, 3414-15, 3422-5, 3431-2, 3440.
Miss. §14, 21, 28, 31.
Neb. §38, 42-4, 47, 49, 52, 54-5, 59-67, 73-4, 77-84.
N. C. §14, 21, 28.
N. Y. §402, 405-6, 410, 412, 415-21.
Ohio §26, 31, 35, 39, 44-56, 59-64, 66-7, 70-1, 77, 81, 84, 87-97.
Ore. §37, 41-3, 46, 48, 51, 53-4, 58-66, 79-80, 83-90.
S. C. §14, 21, 28.
Wash. §40, 44-6, 51, 53-4, 58, 60, 64, 66-7, 69-70, 75-6.

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[48] Mechanic's liens cannot be foreclosed in registration proceedings. This section "shows beyond doubt an intention on the part of the legislature to require all such liens to be foreclosed in the usual manner and under the provisions of the general statutes providing for their foreclosure and enforcement." Reed *v.* Siddall, 94 Minn. 216.

[49] "Our construction of this section is in keeping with the obvious purpose of the Torrens act to create an absolute presumption that the certificate of registration in the registrar's office at all times speaks the last word as to the title, thus doing away with secret liens and hidden equities. . . . This is the distinctive feature, the vital principle of the Torrens System. For the courts to refuse to recognize and enforce it would be to emasculate the law, and by construction make it not the Torrens System of land titles, but a mere change in the *form* of the record, a mere modification of the recording act." Brace *v.* Superior Land Co., 65 Wash. 681. A mechanic's lien, recorded prior to registration but with insufficient description of land, of which applicant had no actual notice, and which was not reported by examiner, is barred by registration, and does not affect title. "The registration proceedings were regular, and there was no fraud in obtaining the decree. It follows that the plaintiffs were bound by the decree, although it did not recognize or establish their lien." Doyle *v.* Wagner, 108 Minn. 443.

Sec. 79. [Conflicting Claims Between Registered Owners.] In case of conflicting claims between registered owners, the right, title or estate derived from or held under the older certificate of title shall prevail.

Miss. §29.
N. C. §29.
S. C. §29

PART X.

Assurance Fund.

Sec. 80. [Fee for Original Registration.] Upon the filing of the petition for the original registration of any land under this act there shall be paid to the registrar one-tenth of one per centum of the assessed value of such land as an assurance fund, which shall be subject to the trusts and conditions hereinafter declared for the uses and purposes of this act.

Colo. §83.
Ill. §9.
Mass. §93.
Minn. §3442.
Miss. §32.
Neb. §9.
N. C. §33.
N. Y. §426.
Ohio §102.
Ore. §98.
S. C. §33.
Wash. §82.

Sec. 81. [Payments Into State Treasury Upon Trust.] All moneys received by the registrars under the preceding section shall be kept in a separate account, and shall be paid into the State treasury upon the special trust and condition that the same shall be set aside by the auditor of public accounts in trust as a separate fund for the uses and purposes of this act, to be known as the "land registration assurance fund," which said fund is hereby appropriated to the uses and purposes set forth in this act.

Cal. §108.
Colo. §84.
Ill. §100.
Mass. §94.
Minn. §3443.
Miss. §32.
Neb. §93.
N. C. §33.
N. Y. §426.
Ohio §103.
Ore. §99.
S. C. §33.
Wash. §83.

Sec. 82. [Funds to Be Invested.] Said moneys, in so far as the same may not be required to satisfy any judgment certified against the assurance fund under section eighty-five of this act,

shall be invested by the treasurer of the State in State bonds in trust for the uses and purposes set forth in this act until said fund amounts to the sum of five hundred thousand dollars; but the income, or so much thereof as may be required therefor, may be applied towards the payment of the expenses of the administration of this act and the satisfaction of any such judgment.

Whenever and so long as the face value of the bonds purchased as aforesaid equals said sum of five hundred thousand dollars, other moneys thereafter coming into said fund, together with any income not required for the purposes aforesaid, shall be transferred from the land registration assurance fund to the general treasury.

Colo. §84.
Ill. §100.
Mass. §100.
Minn. §3443.
Miss. §32.
Neb. §93.
N. C. §33.
N. Y. §426.
Ohio §103, 111.
Ore. §99.
S. C. §33.
Wash. §83.

SEC. 83. [Suits Against the Assurance Fund.] Any person[50] who had no actual notice of any registration under this act by which he may be deprived of any estate or interest in land, and who is without remedy hereunder, may within two years next after the time at which the right to bring such action shall have first accrued to him or to some person through whom he claims, bring an action against the treasurer of the State in the circuit court of the city or county in which the land lies, for the recovery out of the assurance fund of any damages to which he may be entitled by reason of such deprivation.

(2) The assurance fund shall be defended in such action by the attorney for the commonwealth of the city or county in which the land lies, and in any appeal by the attorney-general for the State.

(3) The measure of damages in such action shall be the value of the property at the time the right to bring such action first accrued, and any judgment rendered therefor shall be paid as hereinafter provided.

[50] Claim against assurance fund sustained. Shevlin *v.* Fogarty, 130 Minn. 456.

(4) If any person entitled to bring such action be under the disability of infancy, insanity, imprisonment, or absence from the State in the service of the State or of the United States at the time the right to bring such action first accrued, the same may be brought by him or his privies within two years after the removal of such disability.

Colo. §85, 88.
Ill. §101, 103.
Mass. §95, 102.
Minn. §3444, 3446-7.
Miss. §33, 38.
Neb. §94, 96.
N. C. §34, 39.
N. Y. §427, 429.
Ohio §104, 107-9.
Ore. §100, 102.
S. C. §34, 39.
Wash. §84, 87.

Sec. 84. [Defendants to Suits Against Assurance Fund.] If such action be brought to recover for loss or damage arising only through the legal operation of this act, then the treasurer of the State shall be the sole defendant.

(2) But if such action be brought to recover for loss or damage arising on account of any registration made or procured through the fraud or wrongful act of any person not exercising a judicial function, then both the treasurer of the State and such person shall be made parties defendant.

Colo. §86.
Ill. §102.
Mass. §96.
Minn. §3445.
Miss. §34.
Neb. §95.
N. C. §35.
N. Y. §428.
Ohio §105.
Ore. §101.
S. C. §35.
Wash. §85.

Sec. 85. [Judgments Against the Assurance Fund.] If judgment be rendered for the plaintiff in any such action, execution shall issue against the defendants, if any, other than the treasurer of the State.

(2) And if such execution be returned unsatisfied in whole or in part, or if there be no such defendants, then the clerk of the court in which the judgment was rendered shall certify to the auditor of public accounts the amount due on account thereof, and the same shall then be paid by said treasurer out of the assurance fund on warrant from said auditor under the special appropriation hereby made of said fund for that purpose.

(3) Any person other than the treasurer of the State against whom any such judgment may have been rendered shall remain liable therefor, or for so much thereof as may be paid out of the assurance fund, and said treasurer may bring suit at any time to enforce the lien of such judgment against such person or his estate for the recovery of any amount, with interest, paid out of the assurance fund as aforesaid.

Colo. §86.
Ill. §102.
Mass. §97.
Neb. §95.
Minn. §3445.
Ohio §106.
Wash. §85.

Sec. 86. [When Assurance Fund Not Liable.] The assurance fund shall not, under any circumstances, be liable for any loss, damage, or deprivation occasioned by a breach of trust, whether express, implied, or constructive, on the part of the registered owner of any estate or interest in land.

Colo. §87.
Mass. §101.
Minn. §3446.
Miss. §37.
N. C. §38.
N. Y. §429.
Ohio §108.
S. C. §38.
Wash. §86.

Sec. 87. [How Judgments Shall be Satisfied Out of Assurance Fund.] If at any time the assurance fund be insufficient to satisfy any judgment certified against it as aforesaid, the unpaid amount shall bear interest and be paid in its order out of any moneys thereafter coming into said fund.

Mass. §98.
Minn. §3445.
Miss. §35.
N. C. §36.
Ohio §110.
S. C. §36.

PART XI.

Fees for Registration.

Sec. 88. [Fees of Registrar and Other Officers of the Court.] The fees payable under this act shall be as follows:

(*a*) [To Registrars.] For docketing, indexing, and filing any original petition and exhibits therewith and publishing

and mailing the notices thereof, the postage required, and two dollars.

For docketing, indexing, and filing any other paper, twenty-five cents.

For the entry of the original certificate of title and issuing one duplicate certificate and recording and indexing memorandum, two dollars.

For each additional duplicate, fifty cents.

For the registration of any writing, instrument, or record, or any memorial, including every act necessary therefor, one dollar.

(*b*) [To Examiners of Titles.] For examining title and making report to the court, one-tenth of one per centum of the value of the land, and postage, and ten dollars.[51]

(*c*) [To Sheriffs.] For ascertaining and reporting to court the names and addresses of the persons actually occupying the premises described in any petition, one dollar.

(*d*) For any service of the registrars, or of any sheriff or surveyor not specially provided for herein, such fee as may be allowed by law for like services in other cases.

Cal. §114.
Colo. §95-6.
Ill. §107-8.
Mass. §109.
Minn. §3449-50.
Miss. §30.
Neb. §100-1.
N. C. §30.
N. Y. §432.
Ore. §106-7.
S. C. §30.
Wash. §94-5.

PART XII.

Application of Act.

Sec. 89. [Referendum.] This act shall not apply to land in any city or county, except the city of Richmond, Petersburg, Fredericksburg, Williamsburg, Portsmouth, and the counties of Henrico, Chesterfield, Mecklenburg, Charlotte, Prince George, Surry, Roanoke, Cumberland, Buckingham, Brunswick, Din-

[51] Notwithstanding Ill., §108, court decreed special allowance for fees to examiner. Tomczak *v.* Bergman, 269 Ill. 330. See also Waugh *v.* Glos, 246 Ill. 604.

widdie, Hanover, King William, Fairfax, Albemarle, New Kent, Charles City, James City, York, Warwick, Halifax, Powhatan, Spotsylvania, Lunenburg, Appomattox, Fluvanna, Prince William, Botetourt, Goochland, Greensville, Sussex, Mathews, Middlesex, Princess Anne, Prince Edward, Campbell, Southampton, Louisa and Stafford, until it shall be so determined by the votes [52] of a majority of those voting for or against the adoption thereof at any general or special election to be held in such city or county, after notice thereof shall have been duly posted for at least thirty days at each voting precinct in such city or county by order of the judge of the corporation court of such city or the circuit court of such county upon the petition of one hundred freeholders residing in such city or one-sixth of the qualified voters residing in such county, the question to be submitted by ballots upon which the words "For Land Registration" and "Against Land Registration" shall be printed, and one or the other of said expressions being stricken out as the voter may favor or oppose the act. But no such election shall be held oftener than once in two years.

SEC. 89-a. Registration shall not be compulsory on the owner of any land in any county or city in which this law shall be effective.

SEC. 89-b. In the event any person shall register his land under this act, and shall pledge his certificate for a loan or as security with any person, firm or corporation, and there shall be default in the conditions of such pledge, unless otherwise provided by contract, the said land shall only be sold in the county or corporation where the same or a greater part thereof is located, and shall be sold only after advertising the time, place and terms of sale for four weeks by handbills posted at three or more public places in such county or corporation, or by publication for four weeks in a newspaper having local circulation.

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[52] The referendum is not unconstitutional. Legislative power is not "delegated," but takes effect under certain conditions. People *v.* Simon, 176 Ill. 165. Legislature may amend act without a second referendum. Brooke *v.* Glos, 243 Ill. 392. And to the same effect is Waugh *v.* Glos, 246 Ill. 604. and Mihalik *v.* Glos. 247 Ill. 597, and Culver *v.* Waters, 248 Ill. 163. Illinois act is not unconstitutional as local law because only yet adopted by Cook County. Tower *v.* Glos, 256 Ill. 121.

SEC. 90. This act shall be so interpreted and construed as to effectuate its general purpose [53] to make uniform the law of those States which enact it.

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[53] The purpose of the statute is to provide a speedy and summary method of clear up title to land. Reed *v.* Siddall, 89 Minn. 417; Seeger *v.* Young, 127 Minn. 416. We think the purpose of the statute was to create an indefeasible title in the person adjudged to be the owner, and who thus becomes the original registered proprietor. Baart *v.* Martin, 99 Minn. 197. Torrens laws have the general purpose to clear up and settle land titles, and are nothing more than an enlargement of the remedy to quiet title. The remedy provided is not a substitute for an action of ejectment. Peters *v.* Duluth, 119 Minn. 96. The purpose of the statute was to create an indefeasible title in the person adjudged to be the owner. The basic principle of the system is the registration of the title to land instead of registering only the evidences of such title. A title is created by the decree and certificate of registration. Henry *v.* White, 123 Minn. 182, *Citing;* State *v.* Westfall, 85 Minn. 437; Baart *v.* Martin, 99 Minn. 197; Riley *v.* Pearson, 120 Minn. 210. The design of the system is to vest the title holder with a certificate behind which outsiders need not look, as towards them, it is forever binding and conclusive. Lachman *v.* Bookfield, 135 N. Y. S. 261. The title registration law is not for the purpose of registering bad titles or by the judgment of the court giving to the plaintiff a title which he does not have. Its object is to establish by a judgment of the court a fact once for all that the plaintiff has title so that thereafter the records need not be examined. Crabbe *v.* Hardy, 135 N. Y. S. 119. The intention of the title registration act is to provide a new system of land registration whereby persons can ascertain by an inspection of the register, in whom the title to a particular piece of property is vested. Partenfelter *v.* People, 211 N. Y. 355. The principle of the "Torrens System" is conveyance by registration and certificate instead of by deed, and assimilates the transfer of land to the transfer of stocks in corporations. . . . In this country the first States to adopt it were Illinois, California, Massachusetts, Oregon, Minnesota, and Colorado. In some of these constitutional defects were at first found by those courts whose judges were not favorable to the innovation. But the act was corrected in those States to remove the objections found, or succeeding judges held the act to be constitutional. . . . The defendants contend that the act is "in derogation of common right" and should be strictly construed. It is not in derogation of common right, but is a remedial statute and to be liberally construed, according to its intent "so as to advance the remedy and repress the evil." It seems, however, to be a very plain statute, and was evidently drawn with great care and doubtless after consideration of the numerous statutes of this kind in force in the other States and carefully adopting what was thus culled out of our system of law and procedure and to our local conditions. Cape Lookout Co. *v.* Gold, 167 N. C. 63. This act is a beneficial one for the purpose of settling titles to real estate and to facilitate the transfer of the same without the expense of making a new investigation and abstract of the title at each successive conveyance. It has operated most beneficially and satisfactorily in the several countries and States that have adopted it. It has not been looked on with favor by some who believe that the act will deprive them of fees for the investigation and making an abstract of titles, but it was passed at the demand of the farmers and owners of real estate to save that very expense. Its adoption was a matter of public policy committed solely to the legislative department of the Government, and with which the courts have nothing to do. But we find nothing in the act which can be construed as intending to cut off claimants of adverse titles from a full examination and decision of their claims. On the contrary, the act was intended to give, once for all, the fullest examination into all controversies over the title to the land set out in the petition, because thereafter the order of the court in such cause will be conclusive. Manufacturing Co. *v.* Spruill, 169 N. C. 618.

RULES OF COURT

RULE NO. 1.

Registrars of titles and their deputies shall always act under the directions of the court of land registration for their respective counties and cities, and pursuant to such rules and regulations as may be established for such court, and may at any time apply to such court for special directions.

RULE NO. 2.

The petition in each case shall be accompanied by a plan, of not less than 6 x 8 inches nor more than 7 x 12 inches in size, showing approximately the scale to which it is drawn, indicating the points of the compass, the boundaries of the land, the area thereof, water courses, highways, roads, rights of way, streets, and alleys, if any, the location and character of buildings, and the points of contact of adjoining tracts marked with the names of owners.

RULE NO. 3.

A deposit of twenty dollars shall be paid to the registrar of titles upon the filing of each petition, on account of costs of suit; the registrar shall give a receipt therefor, and shall file among the papers of such suit a statement showing the disbursement thereof; the balance, if any, shall be returned to the petitioner; or the registrar may demand a further deposit or deposits whenever necessary to meet the costs of such suit.

RULE NO. 4.

Whenever any duplicate certificate or duplicate transfer certificate is delivered by the registrar to the parties entitled thereto, he shall require each person interested therein to sign a receipt therefor in his or her own handwriting, and all such receipts shall be preserved by the registrar for the purpose of comparison and the prevention of fraud or forgery in future transactions with the title.

RULE NO. 5.

Surveyors shall be governed by the following instructions:

I. Surveys.

1. The term "survey" in these instructions applies not only to the actual field work, but also to the preparation of the notes, computations and plan.

2. A closed traverse must be made around the property, either upon boundary lines, upon base or transit lines from which the boundaries are located, or upon a combination of both. If upon transit lines, sufficient data from which to calculate all property line dimensions must be shown on the plan or filed therewith.

3. The survey made and reported must, in every case, be an actual survey upon the ground, in full detail, made by or under the supervision of the surveyor whose name appears upon the plan, and must show the actual facts existing at the time.

4. The field work must be so executed as to give complete information for computing and plotting the survey, without unnecessary computations in this office.

5. The survey must be made not only to secure a plan showing the premises, but in such a manner that the boundaries as determined by the court in the decree can be relocated on the ground from the data shown on the plan or filed therewith.

II. Instruments.

1. All surveys must be made with a transit, and one provided with a vertical circle is recommended.

2. A steel tape graduated to feet, tenths and hundredths of a foot must be employed, and should be compared frequently with a standard. For measuring lines in uneven country the use of the vertical circle and tape is recommended, afterward reducing distances to the horizontal.

3. The adjustments of the transit should be carefully looked after, and frequent test made to determine their accuracy.

III. Adjoining Registered Land.

1. On each property surveyed, inquiry should be made to determine whether or not adjoining properties have been registered. If so, the plans filed in the Land Registration Office or at the

local registry should be examined, and the surveyor should use the boundary lines previously determined by the court.

2. The number of the plan and the name of the owner of each adjoining registered property should be shown upon the plan.

IV. Ways.

1. The word "way" as hereinafter used will include all streets, avenues, boulevards or roads, whether public or private.

2. Before commencing any survey in the field the lines of these ways, if public, should first be ascertained from the proper officials, and the initial points thus obtained and used should be shown as a part of the survey plan.

3. Where stone bounds are shown at the termini and angles of public ways they should be surveyed as they exist upon the ground, and not compiled from the official plans.

4. Where public ways run through property sought to be registered they should be surveyed, so that distances around each parcel can be shown.

5. In the absence of any fixed lines of private ways it is recommended that stone bounds be placed at angle points or at beginning and end of curves, and that locus be connected with same.

6. When private ways run through property sought to be registered, they should be connected with a public way, if such exists within a reasonable distance, and sufficient monuments located to reproduce them.

V. Railroads.

1. When a property being surveyed adjoins, or is intersected by, a railroad right of way, the base line of location should first be obtained and made a part of the traverse in the survey.

2. From the base line thus surveyed show the side line location as of record, and locate any physical boundaries pertinent to the purpose.

VI. Waters and Meander Lines.

1. In the survey of properties bordering on tide waters, ponds, rivers or brooks, the traverse from which the meander lines are located should form a closed traverse with the lines over the upland.

2. A meander line is an irregular or sinuous line which closely follows a shore or stream, and as the court does not determine these lines in the same sense as a line over the upland is determined, but the properties are merely bounded by the ocean, pond or river, these lines need not be defined mathematically, but should be located by offsets or stadia, and shown on the plan as near as scale of same will permit.

VII. City and County Boundaries.

City boundary lines dividing property sought to be registered must be indicated on the plan as accurately as scale of same will permit, and when county lines or lines dividing registry districts are encountered, they must be accurately determined, as each resulting parcel must be registered separately in each registry district. Such properties must be surveyed as separate parcels.

VIII. Azimuths or Bearings.

1. In computing directions of lines azimuths or bearings may be used. When azimuths are used they should be computed clockwise, and zero may be referred to a meridian or to an assumed base, which could be a railroad location line, road line or a line between two intervisable fixed points on the locus.

2. When bearings are used in computations the needle should indicate whether they are true or magnetic, and note made showing which line was used as a basis for the computations.

3. In either method the directions of all other lines are to be computed from the base thus established, using the angle measured at each station.

4. It is not required that the true meridian be ascertained by astronomical observation, but it is recommended that where lines in the vicinity have been determined they be used.

IX. Triangulation Points.

If there is a State triangulation point or town boundary stone within locus or in close proximity to any corner, connection should be made with same by triangulation or by traverse. These data may be shown either on plan or accompanying sketch, and no calculations need be made.

X. Monuments.

1. There should be two or more permanent monuments upon or near each locus, and connected with the survey, that could be used at any future time to relocate the boundary lines.

2. Where a street or railroad location is monumented, if the two bounds marking the termini of a tangent or curve are intervisable, they should be used as a base line for the survey. In the absence of bounds the surveyor should set them either at above-named points or at intervisable lot corners, and mark them station 1 and 2, respectively, in tabulating his traverse.

3. Each monument set by a surveyor should be, where the ground will allow, of stone or cement of such a nature as to prevent displacement or erosion for many years. It should be about six inches square on top and such a length that when set into the ground the base will be below frost line. It should have a drill hole or cross cut in its top, and in absence of same the point made by the intersection of its diagonals will be used unless otherwise noted upon the plan. Where points fall upon bowlders or ledge, a drill hole should be made, and if at a point used for both traverse and a property corner, an iron rod should be placed therein.

4. In setting bounds ordered by the court, it is recommended that for marking termini of lines of ways the bounds be set entirely in the way; if for side lines of ways, the middle of back edge to be correct; if at a street corner, one corner of bound to be correct; and if on an offset line, a drill hole in the top to be correct. On property lines and lot corners the bounds should be set so that the center is correct.

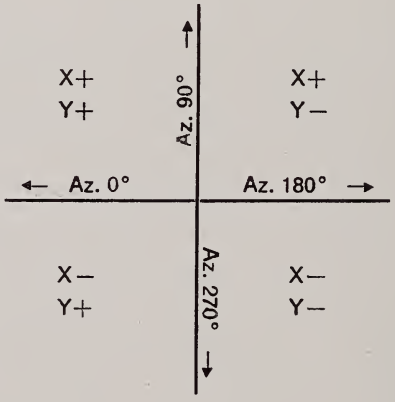
5. In making out a certificate certifying that a bound has been set as ordered, make a rough sketch on the same, indicating part of bound which marks the point.

6. When stone bounds are set by order of petitioner after decree has been entered, it is recommended that a record of their location be filed in this office by the surveyor under whose direction the bounds were set.

XI. Rectangular Co-ordinates.

1. The systems used are latitudes and departures and x's and y's; but where positions are referred to assumed axis (not

meridian lines) it is recommended that the system of azimuths and x's and y's be used. The azimuth of the base line should be 0, and all azimuths read clockwise. The distances known as x's and y's should have algebraic signs in their respective quadrants, as indicated on the following sketch:



2. When survey plans show co-ordinate positions of points on the boundary line, they must also show bearings and distances between them.

XII. Classification of Surveys.

For the purpose of standardizing surveys that are reported, they will be classified as follows: Class A, B, C, D and E; and the surveyor, knowing the location, valuation, etc., must use his judgment in classifying the same.

Class A.—City surveys will include properties which lie in the city or town proper where the lines are middle of partition walls, face of buildings, etc., and where extreme accuracy is desired.

Class B.—Suburban surveys will include properties which lie in the residential districts, and will include one lot or an estate containing several lots.

Class C.—Country surveys will include properties occupied as country estates, which may or may not be subdivided in the near future.

Class D.—Farm surveys will include properties used for agricultural purposes and which are distant from a town or city center.

Class E.—Timber surveys will include all properties not classified above, such as isolated land and mountain tracts.

XIII. Error in Angular Measurement.

1. In running traverse lines and establishing traverse stations a semi-permanent point should be used which could be found for future relocation, or to check any portion of the work before the survey is finished. For these points a large spike, wooden plug or drill hole in a ledge or bowlder should be used.

2. All angles should be doubled, to eliminate error of first reading, and the number of times of repetition beyond this will depend upon the length of lines and accuracy desired.

3. In classes A and B the total error of closure, expressed in minutes, should not exceed $.5\sqrt{\text{number of angles}}$; Class C $\sqrt{\text{number of angles}}$ and classes D and E $\sqrt{3 \text{ number of angles}}$.

4. The adjustment of angles should be made by the party doing the field work, and his judgment be used as to whether the error should be distributed proportionately, placed between short lines or in difficult readings.

XIV. Ratio of Closure.

1. The ratio of closure as hereinafter mentioned will be expressed in the form of a fraction, with 1 as the numerator. It will be determined by the following formula:

$$\frac{\text{Error of closure}}{\text{measured length of all lines of closed traverse}} \text{ as } \frac{1}{X}$$

Where error of closure $= \sqrt{(\text{error in lat.})^2 + (\text{error in dep.})^2}$

or $= \sqrt{(\text{error in sines})^2 + (\text{error in cosines})^2}$

2. *Class A.*—The ratio of closure of these surveys should not exceed 1:10000, but when we receive the finished product, errors adjusted, the results should be exact.

3. *Class B.*—The ratio of closure of these surveys should not exceed 1:8000.

4. *Class C.*—1:5000.

5. *Class D.*—1:3000.

6. *Class E.*—1:1500.

XV. Computations.

1. The class of survey, date, location and name of surveyor must be placed at the top of each sheet and filed in the office of the registrar of titles, as a part of the plan.

2. The angles must be computed and corrected, ratio of closure determined and errors in latitudes and departures balanced on forms approved by this office.

3. In surveys where the traverse filed represents property lines themselves, and is the result of office computations, use form 1 or 2. There should be no error in these traverses.

4. In surveys where the traverse is on transit lines, or partly on transit and partly on property lines show measured angles, corrected angles, azimuths or bearings, distances, computed latitudes and departures (or sines and cosines), ratio of closure and balanced results, use calculation form 3 or 4.

5. The adjustment of the traverse, the same as the adjustment of the angles, as mentioned in subject XIII, paragraph 4, should be made by the party doing the field work. If in his judgment the error should be distributed proportionately throughout the traverse, the latitudes and departures, or sines and cosines, shall be balanced in the following manner:

As the arithmetical sum of all the latitudes (or departures) is to any one latitude (or departure), so is the whole error in latitude (or departure) to the correction to the corresponding latitude (or departure), each correction being so applied as to diminish the whole error in each case.

6. All computations to be computed to the nearest hundredth of a foot.

XVI. Making of Plans.

1. The plan must be made upon tracing cloth.

2. The sizes to be 18 by 24 inches or 24 by 36 inches, beyond which any convenient size may be used.

3. The title must state the location, scale, date, name and address of surveyor.

4. The plan must show north point, area, town or county lines, names of adjoining owners, passageways, official street lines, fences, walls, buildings, boundary monuments (using proper conventional signs), and any other natural monuments pertinent to the purpose.

5. The scale used must be such as to show clearly all data necessary.

6. The area may be by calculation or by scale, and if by scale affix the sign $\pm$.

7. In addition to buildings on locus, show such part of all buildings and other physical features on adjoining land that are within ten feet of boundary line.

8. Show the boundaries of the property, dimensions and all physical features pertinent to the location of it in black, all traverse lines and surveying data in red.

9. The plan must have plainly indicated on it the manner in which each corner, property line and reference point is marked upon the ground. This information is very essential, for the reason that respondents often object to a plan and survey for the reason that a stone bound, partition wall, retaining wall, or other object used to mark a boundary, has been erroneously included or excluded. On this account careful inquiry should be made to determine the ownership of such boundary monuments.

10. The parcel sought to be registered must be enclosed within a blue tint. Where colors are used to distinguish buildings, water, etc., and blue is used for water, enclose parcel with a green tint.

11. The property should be oriented upon the plan in such a manner that the top is in a general northerly direction.

XVII. Making Subdivision Plans.

1. Each decree issued by the court and sent to the registry is accompanied by a decree plan, which is a copy of a part of the plan filed with the petition, and shows the lines as determined and approved by the court. The title number and plan letter

appear in the upper right corner, which should be referred to in asking for or making a subdivision plan.

2. The sizes to be 8½ by 11 inches, 18 by 24 inches, 24 by 36 inches, beyond which any convenient size may be used.

3. This plan should show facts as they exist upon the ground at the time of subdivision, using proper conventional signs and showing sufficient data to connect it with the original decree plan.

4. It should in every other respect conform to the instructions issued for making plans to accompany petitions, and should show all data necessary to calculate or reproduce any or all of the lines shown thereon.

XVIII. Surveyor's Certificate.

This certificate must be written or printed on each survey plan accompanying petition, and signed.

I certify that this survey was made in accordance with instructions of the Court of Land Registration for the .....
of .....

Date, ...

.....

Surveyor.

XIX. Sketch Plan.

1. All surveys reported are indicated upon atlases in the office of the registrar of titles by enclosing the property within a blue tint and showing the title number. These atlases may be used by surveyors and the public if they wish to ascertain if certain properties are registered.

2. When surveys reported are not easily located they should be accompanied by a sketch traced from the county or State atlases, showing its location.

XX. Tie Lines.

1. In classes A and B the survey should be connected with other surveys of registered land in the immediate vicinity.

2. In classes C, D and E the survey should be connected with other surveys of registered land that lie within 500 feet of any corner. These data may be put on plan or filed as data on back of calculation sheet.

XXI. Conventional Signs for Court Plans.

Buildings, either of three methods:

1. Graphical, brick (along the face) ..

wood (along the face) ..

stone (along the face) ..

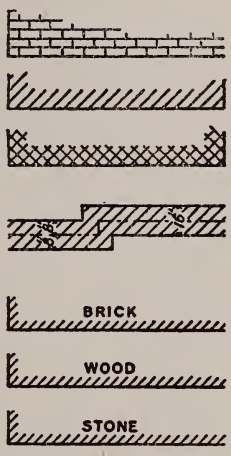
brick partition walls (cross hatch) .....

2. Colors.

3. Descriptive, brick, hatch edge and mark .....

wood, hatch edge and mark .....

stone, hatch edge and mark .....



Stone wall .....

Faced wall or retaining wall.....

Fence .....

Fence, where posts are to be shown.....

Town or county boundary line.....

Private ownership line .....

Private ownership line, where it is not advisable to use a full line.....

Stone bound .....

Stone bound, where property lines intersect

Stone bound, marking a P. C. or P. T...

Stone bound, at intersection of streets..

Triangulation station .....

Transit point .....

Stake .....

Mean high-water line .....

True meridian .....

Magnetic meridian .....

XXII. Abbreviations for Court Plans.

Angle	Ang.
Avenue	Ave.
Azimuth	Az.
Brick base	bk. b.
Base board	b. b.
Center	c.
Corner board	c. b.
Crow foot	c. f.
Column	Col.
Cosine	Cos.
Departure	Dept.
Drill hole	d. h.
Degree	°
East	E.
Granite base	gr. b.
Horizontal	Hor.
Latitude	Lat.
Longitude	Long.
Minute	′
Monument	Mont.
North	N.
Public	Pb.
Private	Pri.
South	S.
Sine	Sin.
Stake	stk.
Street	St.
Stone bound	S. B.
Stone base	st. b.
Spike	spk.
Square	Sq.
Second	″
Tack	tk.
Transit	Tr.
Vertical	Vert.
West	W.

FORMS

Form 801—PROCESS. Uniform Land Registration Act, Secs. 7, 10, 19, 31.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

To the Sheriff of the.....of.....Greeting:

Whereas,.....ha.....filed a petition in our said Court under the Uniform Land Registration Act, for the settlement, registration, transfer and assurance of title to all that parcel of land.....

Now, Therefore, We Command You to serve a copy of this writ upon....., summoning them to appear before our said Court on the.....day of....., 19....., to do what may be necessary to protect their interests in said proceedings; and have then there this writ, and make return how you have executed the same.

Witness,....., Registrar of our said Court, in the.....and State aforesaid, the.....day of....., 19...., and in the.....year of the Commonwealth.

.....
Registrar of Title
for the.....of.....

Form 802—TRIAL BY JURY. Uniform Land Registration Act, Sec. 8.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	ORDER FOR TRIAL BY JURY
All Whom it May Concern	

On the motion of.....it is ordered that an issue be made up and tried at the bar of this Court to ascertain and determine.....

And it is ordered that on the trial of the said issue, the said .....shall maintain the affirmative, and the said.....shall maintain the negative; and that.....be summoned to attend this Court on the.....day of....., 19...., at.....o'clock, as jurors, to try the said issue.

Form 803—PETITION FOR REHEARING. Uniform Land Registration Act Sec. 11.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } PETITION FOR REHEARING
All Whom it May Concern }

Petitioner,.....respectfully prays for a rehearing of the order entered in this cause on the.....day of....., 19...., for the following reason:

.....

.....

.....

Petitioner.

Form 804—BILL OF REVIEW. Uniform Land Registration Act, Sec. 11.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } BILL OF REVIEW
All Whom it May Concern }

Complainant .....respectfully

.....

.....

show....unto the Court:

(1) That the original Petition No.....was filed in this cause on the.....day of....., 19....; that complainant .....that a final decree was entered herein on the.....day of....., 19...., and duly registered in the Register of Titles Book No....., p.....

(2) That said decree is erroneous in the following respects:....

(3) That this Bill is filed within 90 days since the entry of said decree.

(4) That complainant....claim....the following interest in the land registered, as aforesaid:.....

.....

Wherefore, Complainant....pray....that said decree may be reviewed and set aside, and that the rights of all persons interested in said land may be protected.

.....

..... *Complainant.*

Counsel.

Form 805—ORDER CONCERNING JUDGE. Uniform Land Registration Act, Sec. 13.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	ORDER CONCERNING JUDGE
All Whom it May Concern	

The Judge of this Court being so situated as to render it improper, in his judgment, for him to decide this case, or to preside at any trial thereof, it is ordered that this fact be entered of record by the Registrar of this Court, and at once certified by him to the Governor, in order that another judge of a Court of Record may be designated, according to law, to hold court in all proceedings in this case.

Form 806—BOND OF REGISTRAR. Uniform Land Registration Act, Sec. 14 (3).

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

$.....

Know all men by these presents, That we,.....

.....as principal, and.....

.....

as sureties, are held and firmly bound unto the Commonwealth of Virginia, in the just and full sum of.....Dollars, for the payment whereof, in lawful money of the United States, we severally and jointly bind ourselves, our heirs, and personal representatives; and we hereby waive the benefit of our homestead exemption as to this obligation, and also any claim or right to discharge any liability to the Commonwealth arising under this bond, or by virtue of the office for which this bond is given, with coupons detached from bonds of this State. Sealed with our seals, and dated this.....day of....., 19....

The condition of the above obligation is such that whereas the said.....has become Registrar of Titles for the.....of....., under the Uniform Land Registration Act;

Now, Therefore, If he shall well and faithfully perform the duties of such office, the above bond shall be void; otherwise to remain in full force and virtue.

.....[Seal]

.....[Seal]

.....[Seal]

Form 807—APPOINTMENT OF EXAMINER. Uniform Land Registration Act. Sec. 16.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....
.....Court House
.....19....

PRESENT:

The Honorable....., Judge of said Court.

The Court appoints....., Attorney at Law, Examiner of Titles in the.....of.....

And thereupon said.....made oath faithfully to execute the duties of the said office to the best of his skill and ability and according to law.

Form 808—SPECIAL EXAMINER. Uniform Land Registration Act. Sec. 16.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	APPOINTMENT OF SPECIAL
All Whom it May Concern	EXAMINER OF TITLES

On motion of.....and it being shown to the Court that....., Attorney at Law, is not counsel for the petitioner...., he is hereby appointed Special Examiner of Titles for this case.

And thereupon said.....made oath faithfully to execute the duties of such office to the best of his skill and ability and according to law.

Form 809—OATH OF EXAMINER. Uniform Land Registration Act, Secs. 10, 16.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....
.....Court House,
....., 19.....

I,....., do solemnly swear that I will faithfully, and well and truly execute the duties of Examiner of Titles under the Uniform Land Registration Act, and the rules of Court established thereunder, to the best of my skill and ability, according to law. So help me God.

.....

Sworn to and subscribed before me, this.....day of....., 19.....

.....
Registrar of Title
for the.....of.....

Form 810—PROCEEDINGS BEFORE EXAMINER. Uniform Land Registration Act, Sec. 16 (3).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PROCEEDINGS BEFORE EXAMINER OF TITLES
All Whom it May Concern	

Office of.....
....., 19.....

Present:.....
Absent:.....
to whom notice was given.....inviting.....to be present if desired.

....., a witness, of lawful age, being first duly sworn, deposes and says as follows:
1st Q. by the Examiner:.....
Ans:.....
2d Q. by the Examiner:.....
Ans:.....

[Note all proceedings, adjournments, etc.]

CERTIFICATE OF EXAMINER

I hereby certify that the foregoing depositions were duly taken, as set forth therein.

.....
Examiner of Titles.

Form 811—PETITION. Uniform Land Registration Act, Sec. 17.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....
vs.
All Whom it May Concern

PETITION NO.....
FOR REGISTRATION OF TITLE

The petition of.....
[Note 1]
.....
respectfully shows unto the Court the following case:

First: Petitioner....claim....to own.....
[Note 2]
.....an estate in fee simple in the land hereinafter described.

Second: Petitioner.....
[Note 3]

Third: The land is described as.....

Fourth: There are.....improvements on said land, as follows:.....
.....

Fifth: Said land is described and valued on the land book in its last assessment for taxation as follows:

(1) Described as.....
(2) Assessed at—Land - - - - - - - - - - $.....
Buildings - - - - - - - - $.....

Sixth: Said land was acquired from.....
.....

Seventh: Said land is.....occupied by.....
.....

Eighth: The following is an enumeration of all known liens, interests, and claims, adverse or otherwise, vested or contingent, including easements and rights of way:.....

Ninth: The full names and addresses, so far as known, of all persons who may be interested, including occupants and adjoining owners, are:.....

Tenth: Petitioner....file....herewith:

(1) A plan of the property, made in accordance with the rules of Court.

(2) *A notice of lis pendens,* to be recorded and indexed, in accordance with the statute.

(3) .....

NOTE 1. Insert names, and state disability, if any.
If an infant—"who sues by....., next friend (or guardian)."
If insane—"who sues by....., committee."
If a cestui que trust—"who sues by....., trustee."
If a corporation—"who sues by....., its officer authorized by resolution of its Board of Directors to bring this suit."

NOTE 2. "Claiming (singly or collectively) to own, or to have the power of appointing or disposing of, an estate in fee simple in any land, whether subject to liens or not." State the facts.

NOTE 3. State whether resident or non-resident. If non-resident—"and hereby appoints....., a resident of the .....of....., as agent upon whom process and notice may be served."

(4) .....
(5) .....
(6) .....
(7) .....
(8) .....
(9) .....
(10) .....

Eleventh: Petitioner....desire....to have the boundaries of the following streets, alleys, highways, private roads, railways, and rights of way, adjacent to or located within the bounds of said land, determined, to-wit:.....

.....

Twelfth: And Petitioner....pray....that proper process may be issued against.....

.....,

and against all persons appearing to have any interest in, or claim against, the said land; that order of publication may be had in accordance with the statute against.....

.....

and "To all whom it may concern;" that all proper notices may be given by mail, by posting on the land, and otherwise; that such personal service of process as is required shall also be made; that the land may be duly surveyed, and durable bounds be set thereon; that all proper decrees and orders may be entered; that the rights of petitioner....may be established, and that final decree of comfirmation and registration of petitioner's title shall be entered, binding the land and quieting the title thereto; said decree to be forever binding and conclusive upon all persons, resident and non-resident, including the State, whether mentioned by name in the order of publication or included under the general description, "To all whom it may concern;" and said decree in all respects and in every effect to be in accordance with said Uniform Land Registration Act.

And petitioner....will ever pray.

.....

....

Counsel.

STATE OF VIRGINIA:
.....of.....

I,....., of the.....of....., do certify that....., whose name .....signed to the foregoing petition under the Uniform Land Registration Act, ha.....appeared before me in my said....., and made oath that the statements therein made of.....own knowledge are true, and that all statements made therein upon knowledge or information derived from others are believed by .....to be true.

Given under my hand, this.....day of....., A.D. 19.....

.....

Form 812—NOTICE OF EXAMINER. Uniform Land Registration Act, Sec. 16 (3).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	NOTICE OF HEARING BEFORE
All Whom it May Concern	EXAMINER OF TITLES

Office of.....
....., 19....

To.....

Take notice that proceedings will be begun at my said office on the.....day of....., 19...., at the hour of.....M., and be continued from time to time until completed, for the investigation of all facts stated in said petition, or otherwise brought to my attention, for report to the Court, pursuant to the Uniform Land Registration Act, concerning the title to.....
.....
.....
.....
.....

.....
Examiner of Titles.

Form 813—REFERENCE TO EXAMINER. Uniform Land Registration Act, Secs. 16, 25.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	REFERENCE TO EXAMINER
All Whom it May Concern	OF TITLES

Upon Petition No....., filed by....., in this Court, which appears to be in due form, is accompanied by a plan made in accordance with the rules of Court, and has been docketed, numbered and indexed, as required by the statute, the Court hereby refers the same to....., Examiner of Titles, who shall, in accordance with law and the rules of Court, examine and report on all that certain parcel of land in the .....of....., described as follows:.....
.....
.....
.....
.....

Form 814—REPORT OF EXAMINER. Uniform Land Registration Act, Secs. 16, 26.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	REPORT OF EXAMINER OF TITLES
All Whom it May Concern	

Office of.....
....., 19....

To the Honorable....., *Judge of said Court:*

I respectfully state to the Court that I have searched the records and investigated all facts stated in the petition aforesaid, or otherwise brough to my notice, and I submit herewith:

1. An Abstract of title to the land made from the record, and all other evidence that could reasonable be obtained by me, marked "Exhibit No. 1."
2. Full extracts from the records to enable the Court to decide the questions involved, marked "Exhibit No. 2."
3. The names and addresses, so far as ascertained, of all persons interested in the land, as well as occupants and adjoining owners, showing their several interests, and indicating upon whom and in what manner process should be served or notice given in accordance with provisions of the Uniform Land Registration Act, marked "Exhibit No. 3."

And I hereby certify to the Court, that having examined the title to the land mentioned in said Petition, I find that the Petitioner.....
an estate in fee simple in said land, subject to—

Restrictions:.....	Liens:.....
Easements:.....	Lease, Dower or Life Estate:.....
Party Walls:.....	Appurtenant Rights or Privileges:....
Legacies:.....	Highway Boundaries:.....
Mortgages:.....	Taxes: .....
Attachments:.....	Other Comments:.....

.....
Examiner of Titles.

Form 815—PLAN. Uniform Land Registration Act, Sec. 21 (6).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PLAN WITH PETITION
All Whom it May Concern	

Plan or sketch of land filed with the Petition, showing location and boundaries:

Form 816—SCHEDULE OF DOCUMENTS. Uniform Land Registration Act, Sec. 21.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	SCHEDULE OF DOCUMENTS
All Whom it May Concern	

1.....
2.....
3.....
4.....
5.....
6.....
7.....

Form 817—LIS PENDENS. Uniform Land Registration Act, Sec. 23.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	NOTICE OF LIS PENDENS
All Whom it May Concern	

Notice is hereby given that a Petition has been filed in the Court of Land Registration for the.....of....., by.....vs. All Whom it May Concern, for the settlement, registration, transfer and assurance of title, under the Uniform Land Registration Act, to all.....parcel....of land in the.....of....., described as follows:

.....

Those to be affected by proceedings under said Petition are stated therein to be....., owner of the land aforesaid;....., owners of adjoining lands;....., claiming certain easements; the Commonwealth of Virginia, and the.....of ....., claiming certain highway rights; and all whom it may concern.

.....
Petitioner.

Subscribed and sworn to before me, this.....day of ....., 19.....

.....
Registrar of Title
for the.....of.....

Form 818—EXAMINER'S ABSTRACT. Uniform Land Registration Act, Sec. 26 (1).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
EXAMINER'S ABSTRACT OF TITLE

Exhibit No. 1, with report of Examiner of Titles.....
Description of land:.....
Chain of Title:.....
Given under my hand, this.....day of....., 19.....

.....
Examiner of Titles.

Form 819—EXAMINER'S EXTRACTS. Uniform Land Registration Act, Sec. 26 (2).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
EXAMINER'S EXTRACT FROM THE RECORDS

Exhibit No. 2, with report of Examiner of Titles:.....
Given under my hand, this.....day of....., 19.....

.....
Examiner of Titles.

Form 820—PROCESS DIRECTIONS. Uniform Land Registration Act, Sec. 26 (3).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
EXAMINER'S DIRECTIONS FOR PROCESS

Exhibit No. 3, with report of Examiner of Titles:
1. Persons interested in the land:.....
2. Occupants of the land:.....
3. Adjoining owners:.....
4. How process should be served:.....

Given under my hand, this.....day of....., 19.....

.....
Examiner of Titles.

Form 821—ORDER FILING REPORT. Uniform Land Registration Act, Secs. 27, 28.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
ORDER FILING REPORT OF EXAMINER

The report of....., Examiner of Titles, dated....., 19...., and the Exhibits Nos. 1, 2 and 3 therewith, being an Abstract of Title, Extracts from the Records, and Directions for Process, appearing to be in due form, it is ordered that the same be filed.

Form 822—ORDER OF PUBLICATION. Uniform Land Registration Act, Sec. 27.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
ORDER OF PUBLICATION, IN REM

Notice is Hereby Given, That the Petition indicated above has been filed in this Court under the Uniform Land Registration Act, for the settlement, registration, transfer and assurance of title to all that parcel of land.....

.....

.....

.....

that the Examiner of Titles to whom this case was referred has reported that the Petitioners and.....

.....

are shown to be the persons interested therein; that.....

.....

are shown to be the occupants thereof; that.....

.....

are shown to be adjoining owners.

And it is ordered that the above-named persons and All Whom it May Concern appear before this Court, on the.....day of..... ....., 191...., and do whatever may be necessary to protect their interest.

A true copy—Attest: .....
Registrar of Title
for the.....of.....

Form 823—ORDER FOR PROCESS. Uniform Land Registration Act, Secs. 28, 29, 30, 31.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ORDER FOR PROCESS
All Whom it May Concern }

The report of the Examiner of Titles having been filed, and the Order of Publication having been entered, it is ordered that said Order of Publication be posted; that a copy thereof be mailed by registered letter demanding a return to.....
.....
.....
that an attested copy thereof be posted in a conspicuous place, by the Sheriff, on each parcel of land included in the petition in this cause; that said Sheriff go upon the lands and ascertain and report to Court the names and addresses of any person, or persons, actually occupying the premises, indicating such occupants, if any, as are on the premises under any adverse claim of title; that a copy of said Order of Publication be delivered by the Registrar to the proper attorney for the State, county, or city, to-wit: To.....and that personal service of process be made by the Sheriff on.....
.....

Form 824—NOTICE BY MAIL. Uniform Land Registration Act, Secs. 28, 30, 33.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } NOTICE BY MAIL
All Whom it May Concern }

Registrar's Office....., 19.....

I hereby certify that I have this day sent a copy of the Order of Publication in this case by registered mail, demanding a return, to every person interested, named in the petition or in the report of the Examiner of Titles, whose address is given or known; and that I have delivered a copy thereof to Attorney.....
.....and to Attorney.....
.....
Registrar of Title
for the.....of.....

Form 825—NOTICE BY POSTING. Uniform Land Registration Act, Secs. 29, 33.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
NOTICE BY POSTING

Sheriff's Office....., 19.....

I hereby certify that on the.....day of....., 19...., I posted an attested copy of the Order of Publication in this case in a conspicuous place on each parcel of land included in the petition aforesaid.

I further certify that on the.....day of....., 19...., I went upon the lands referred to in above Petition, and ascertained, and now report to the Court, the names and addresses of the persons actually occupying the premises, indicating such as claim by adverse title, as follows:

Names: Addresses:

....

....

.....

Sheriff.

Form 826—PROOF OF PUBLICATION. Uniform Land Registration Act, Secs. 34, 71.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... vs. *All Whom it May Concern*

PETITION NO.....
PROOF OF PUBLICATION

I,.....of....., a newspaper published in the.....of....., hereby certify that the Notice hereto attached was published in said newspaper once a week for four successive weeks, the first publication thereof being on the.....day of....., 19...., and the last publication being on the.....day of....., 19.....

.....
Editor or Business Manager.

Sworn to and subscribed before me, this.....day of....., 19.....

.....
[Any officer authorized by law to administer oaths]

Form 827—GUARDIAN AD LITEM. Uniform Land Registration Act, Secs. 34, 35.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ORDER APPOINTING GUARDIAN
All Whom it May Concern } AD LITEM

It appearing to the Court that fifteen days have elapsed since the completion of the publication and posting of the Order of Publication in this cause, the same is hereby set down for hearing.

And thereupon the Court appoints....., a discreet and competent attorney at law, of the.....of ....., as guardian *ad litem*, for..... and for all persons under disability, not in being, unascertained, unknown, or out of the State, who may have or appear to have an interest in or claim against the land involved in these proceedings.

Form 828—ANSWER OF GUARDIAN AD LITEM. Uniform Land Registration Act, Sec. 36.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ANSWER OF GUARDIAN AD LITEM
All Whom it May Concern }

The Answer of....., guardian *ad litem* of ..... and for all persons not in being, unascertained, unknown, or out of the State, who may have, or appear to have, an interest in or claim against the land involved in this cause:

1. In behalf of..... the said guardian *ad litem* says.....

2. In behalf of the other parties represented by him, the said guardian *ad litem* says that they are unknown, and that he has been unable to ascertain who they are or to bring them personally before the Court, and that he submits their interests, if any, to the protection of the Court.

.....
Guardian ad litem.

Sworn to and subscribed before me, this.....day of ....., 19.....

.....
Registrar of Title
for the.....of.....

Form 829—ANSWER TO PETITION. Uniform Land Registration Act. Secs. 36,37

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... | PETITION NO.....
vs. | ANSWER OF.....
All Whom it May Concern

The Answer of....., defendant.... named in the Petition and Order of Publication in this cause:
Respondent....say....:.....

.....
Respondent.
.....
Counsel.

Sworn to and subscribed before me, this.....day of ....., 19....

.....
Registrar of Title
for the.....of.....
[Any officer authorized by law to take oaths.]

Form 830—ORDER WAIVING OATH TO ANSWER. Uniform Land Registration Act. Sec. 37.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... | PETITION NO. 1
vs. | ORDER DISPENSING WITH
All Whom it May Concern | OATH TO ANSWER

On motion of.....by counsel, good cause therefor being shown to the Court, it is ordered that the Answer of said claimant.... may be filed in this cause without being personally signed and sworn to by.....

Form 831—ORDER FILING ANSWER. Uniform Land Registration Act. Secs. 36, 42 (2), 24.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... | PETITION NO.....
vs. | ORDER FILING ANSWER
All Whom it May Concern

It is ordered that the Answer of..... be filed, docketed, numbered, dated, and indexed, in accordance with the provisions of the Uniform Land Registration Act.

Form 832—SECOND REFERENCE. Uniform Land Registration Act, Sec. 38.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	SECOND REFERENCE
All Whom it May Concern	

The Court being of opinion that further investigation should be made with reference to the rights of all persons appearing to have any interest in or claim against the land involved in these proceedings, this cause is hereby again referred to....., Examiner of Titles, who is required to take further proof and to report to the Court upon the following specified matters:

(1) Whether.....

(2) Whether.....

(3) Whether.....

Form 833—ORDER OF SURVEY. Uniform Land Registration Act, Sec. 39.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	ORDER OF SURVEY
All Whom it May Concern	

It is ordered by the Court that....., a competent surveyor hereby appointed by the Court for the purpose, shall, after.....days' notice to owners of the adjoining lands, survey the land mentioned in the Petition in this cause, and described in the report of the Examiner of Titles herein, shall set durable bounds thereto, and make a plat thereof to be filed among the papers of this suit. But it appearing that.....

.....

are non-residents who have already been notified in accordance with law by the Order of Publication herein, no further notice to.....is required.

Form 834—SURVEYOR'S REPORT. Uniform Land Registration Act, Sec. 39.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } SURVEYOR'S REPORT
All Whom it May Concern }

I respectfully report to the Court that, acting under the order entered in this cause on the.....day of....., 19...., I have surveyed the land involved in these proceedings after giving .....days to.....
and that I have set durable bounds thereto, as shown by the plat returned herewith to be filed among the papers of this suit.

.....
Surveyor's fee, $..... *Surveyor.*

Form 835—DISMISSAL OF PETITION. Uniform Land Registration Act, Sec. 40.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } DISMISSAL
All Whom it May Concern }

It is ordered by the Court that the Petition in this cause be dismissed without prejudice, on the motion of the Petitioner...., upon the payment by.....of the costs herein.

Form 836—AMENDMENT OF PETITION. Uniform Land Registration Act, Sec. 41.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } AMENDMENT OF PETITION
All Whom it May Concern }

Acting upon the suggestions made in the report of the Examiner of Titles in this case, it is ordered by the Court that.....
.....be made parties defendant hereto, in addition to those mentioned in the petition, and be served with process in accordance with the requirements of the Uniform Land Registration Act; and the Petition in this cause is hereby amended accordingly.

Form 837—AMENDED PETITION. Uniform Land Registration Act, Sec. 41.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } AMENDED PETITION
All Whom it May Concern }

Petitioner....respectfully submit.....amended Petition, as follows:

First: Petitioner....show....unto the Court that since filing original Petition herein,.....ha.....learned that..... .....may have an interest in said land and should be made parties to this cause.

Second: That the true description, location, and boundaries of said land are as follows:

Third: That the occupants of said land....are.....

.....

.....

.....

Fourth: That the adjoining owners of said land....are.....

.....

.....

.....

.....

Petitioner.

Sworn to and subscribed before me, this.....day of..... ....., 191....

.....

Form 838—ORDER ON AMENDED PETITION. Uniform Land Registration Act, Secs. 41, 24, 3.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ORDER FILING AMENDED PETITION
All Whom it May Concern }

On motion of the Petitioner....,.....Amended Petition is hereby filed, and it is ordered that the same be docketed, numbered and indexed by the Registrar, and that notice thereof be given by personal service of process upon.....

.....

unless such service be waived by appearance, or otherwise.

Form 839—SEVERANCE. Uniform Land Registration Act, Sec. 41.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	SEVERANCE
All Whom it May Concern	

On motion of the Petitioner...., it is ordered by the Court that said Petition be severed, and that the title be now determined as to so much of the land mentioned in said Petition as is included within the following boundaries:.....

.....

.....

.....

It is further ordered that a copy of this order be served upon each resident party to these proceedings, and that before any further proceeding shall be taken, to settle or register the title to any other portion of the land mentioned in the Petition, each resident party hereto shall be given legal notice thereof.

Form 840—NEW PARTIES. Uniform Land Registration Act, Sec. 41.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	APPEARANCE OF NEW PARTIES
All Whom it May Concern	

On motion of.....

.....

.....

it is ordered that.....be made defendant....to the Petition in this cause and be given opportunity to do what may be necessary to protect.....interests herein.

Form 84i—ANSWER OF INTERVENING PARTIES. Uniform Land Registration Act, Sec. 42 (2).

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

..... } PETITION NO.....

vs. } ANSWER OF INTERVENING PARTIES

All Whom it May Concern }

The answer of.....

to the Petition in this cause:

Respondent....say....that since the Petition was filed in this cause,....he....ha....acquired an interest in or claim against the land described therein in the following manner:.....

The Uniform Land Registration Act makes such interest or claim subject to the decree of the Court herein, and respondent pray....that all.....interests may be protected by the Court.

.....

..... *Respondent.*

Counsel.

Sworn to and subscribed before me, this.....day of ....., 19.....

.....

[Any officer authorized to administer oaths.]

Form 84j—TAX CERTIFICATE. Uniform Land Registration Act, Sec. 43.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

..... } PETITION NO.....

vs. } CERTIFICATE CONCERNING TAXES

All Whom it May Concern }

We, the following officers, being custodians of the records containing all current and delinquent taxes on lands in the..... of....., do certify that all taxes and levies assessed on the land mentioned in said Petition, for the registration of the title to which decree is now asked, now due or delinquent, have been paid in full.

.....

Treasurer.

.....

Clerk.

Sworn to and subscribed before me, this.....day of ....., 19.....

.....

[Any officer authorized to administer oaths.]

Form 843—DECREE OF REGISTRATION. Uniform Land Registration Act, Sections 44, 45.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....

vs.

All Whom it May Concern

PETITION NO.....

DECREE OF REGISTRATION

This Certifies, That on the Petition of....., under the Uniform Land Registration Act, approved February 24, 1916, and acts amendatory thereof, the Court, after final hearing, is of the opinion that the Petitioner.... ha.... title to the land hereinafter described proper for registration, and doth adjudge and decree that said....., of the [Note 1] .....of....., in the State of....., married....., the owner in fee simple of that certain parcel of land situate in said....., bounded and described as follows:.....

[Note 2]

.....

.....

.....

And the Court doth adjudge and decree that said land be brought under the operation and provisions of said Uniform Land Registration Act, and all amendments thereof, and that the title of said..... to said land be confirmed and registered, hereby binding the said land and conclusively quieting the title thereto against all the world; subject, however, to any of the encumbrances mentioned in section 73 of said act, which may be subsisting, and subject also to.....

[Note 3]

.....

.....

.....

Witness, the Honorable....., Judge of the Court of Land Registration for the.....of....., in the year 19...., at.....o'clock ....M.

Attest—with the seal of said Court.

.....

Registrar of Title

for the.....of.....

NOTE 1. Name and residence of the owner, and whether married or unmarried, and name of consort, if any. If a corporation, the place of incorporation and its chief office. If a personal representative or a trustee, the name of the decedent or beneficiary.

NOTE 2. Description of the land as finally determined by the Court; the estate of the owner therein.

NOTE 3. All the rights and easements appurtenant to said land; and also a description of all particular estates, easements, liens, or other encumbrances, or rights to which the land or the owner's estate is subject, showing their relative priorities and any other matter determined by the Court.

Form 844—RECORD OF REGISTRATION. Uniform Land Registration Act, Sec. 47.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	RECORD OF REGISTRATION
All Whom it May Concern	

Title to.....

[Describe land.]

.....

.....

.....

subject, however, to any encumbrances mentioned in Section 73 of said act, which may be subsisting, and subject also to.....

[Describe any trusts, liens or easements.]

.....

.....

.....

registered in the name of.....,
by final decree of the Court of Land Registration for the.....
of....., on....., 19...., at.....o'clock ....M.

Attest for recordation:

.....

Registrar of Title
for the.....of.....

Recorded in D. B.....p....., ..., 19.....

.....

Clerk of the.....Court of.....

Form 845—CERTIFICATE OF TITLE. Uniform Land Registration Act, Sec. 48, 51.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

ORIGINAL CERTIFICATE OF TITLE NO. ....

This Certifies, That on the Petition of..... under the Uniform Land Registration Act of the State of Virginia, approved February 24, 1916, and Acts amendatory thereof, duly matured in accordance with law, the Court, after final hearing, is of opinion that the Petitioner has title to the land hereinafter described proper for registration, and doth adjudge, order and decree that said.....,

[Note 1.]

of the....., in the State of Virginia,.....married ....., the owner in fee simple of that certain parcel of land situate in said city, bounded and described as follows:.....

[Note 2.]

.....

.....

.....

And the Court doth adjudge, order and decree that said land be brought under the operation and provisions of said Uniform Land Registration Act, and all amendments thereof, and that the title of said.....

to said land be confirmed and registered hereby binding the land and conclusively quieting the title thereto against all the world; subject, however, to any of the encumbrances mentioned in Section 73 of said Act which may be subsisting; and subject also to.....

[Note 3.]

.....

.....

.....

Witness, the Honorable....., Judge of the Court of Land Registration for the....., the .....day of....., in the year nineteen hundred and..... , at.....o'clock and.....minutes in the.....noon.

Attest, with the seal of said Court.....

Registrar of Title.

A true copy:

Attest, with the seal of said Court. .....

Registrar of Title.

NOTE 1. Name and residence of the owner, and whether married or unmarried, and name of consort, if any. If a corporation, the place of incorporation and its chief office. If a personal representative or a trustee, the name of the decedent or beneficiary.

NOTE 2. Description of the land as finally determined by the Court; the estate of the owner therein.

NOTE 3. All the rights and easements appurtenant to said land; and also a description of all particular estates, easements, liens, or other encumbrances, or rights to which the land or the owner's estate is subject, showing their relative priorities and any other matter determined by the Court.

Form 846—AUTHORITY FOR TRANSFER. Uniform Land Registration Act, Secs. 48, 54.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

This Certifies, That.....,
owner.... of the land registered in.....Certificate of Title No.....,as shown by the within Owner's Duplicate Certificate of Title No.....,hereby authorize.... the Court of Land Registration for the.....of.....to register the said title in the name.... of.....,
in consideration of.....

Witness.....hand.... and seal...., this.....day of ....., 19.....

.....[Seal]
.....[Seal]
.....[Seal]
.....[Seal]

Signed and acknowledged before me, this.....day of ....., 19.....

.....
[Any officer authorized to take acknowledgments.]

Form 847—AUTHORITY FOR PARTIAL TRANSFER. Uniform Land Registration Act, Secs. 48, 55.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

This Certifies, That.....,
owner.... of the land registered in.....Certificate of Title No. .....,as shown by the Owner's Duplicate Certificate of Title No.....,herewith, hereby authorize.... the Court of Land Registration for the.....of.....to register the title to Lot No.....part.....thereof, in the name of.....
.....,in consideration of.....

Witness our hand.... and seal...., this.....day of ....., 19.....

.....[Seal]
.....[Seal]
.....[Seal]
.....[Seal]

Signed and acknowledged before me, this.....day of ....., 19.....

.....
[Any officer authorized to take acknowledgments.]

NOTE—In the case of Partial Transfers the number should be the same as the original number, but distinguished by Arabic numerals in brackets, as No. 100[1], No. 100[2], etc.

Form 848—TRANSFER CERTIFICATE. Uniform Land Registration Act. Secs. 48, 51. 54.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

TRANSFER CERTIFICATE OF TITLE NO. ....

Original Certificate Registered

in Register of Titles Book No....., page .....

This Certifies, That....., the owner in fee simple of that certain parcel of land situate in said.....,

[Note 1—see page 152.]

bounded and described as follows:.....

[Note 2—see page 152.]

.....

subject, however, to any of the encumbrances mentioned in section seventy-three of the Uniform Land Registration Act, approved February 24, 1916, and Acts amendatory thereof, which may be subsisting, and subject also to.....

[Note 3—see page 152.]

.....

Witness, the Honorable....., Judge of the Court of Land Registration for the.....of....., the.....day of.....in the year 19...., at.....o'clock....M. Attest, with the seal of said Court.

.....

Registrar of Title

for the.....of.....

A true copy. Attest with the seal of said Court.

Registrar of Title

for the.....of .....

Form 849—CORRECTION OF CERTIFICATE. Uniform Land Registration Act, Sec. 51 (3).

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

..... } PETITION NO.....

vs. } CORRECTION OF CERTIFICATE

All Whom it May Concern

It being shown to the Court that a clerical error has been made in registering Transfer Certificate of Title No....., Original Certificate of Title No....., registered in Register of Titles Book No....., p....., it is ordered that the same be altered or amended so as to read as follows:.....

.....

Form 850—OWNER'S DUPLICATE CERTIFICATE. Uniform Land Registration Act. Sec. 52.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

OWNER'S DUPLICATE CERTIFICATE OF TITLE NO. ....

This Certifies, That on the Petition of..... under the Uniform Land Registration Act, approved February 24, 1916, and Acts amendatory thereof, the Court after final hearing is of opinion that the petitioner has title to the land hereinafter described proper for registration, and doth adjudge and decree that said.....,

[Note 1—see page 152.]

of the.....of.....in the State of..... married....., the owner in fee simple of that certain parcel of land situate in said....., bounded and described as follows: .....

[Note 2—see page 152.]

.....

.....

.....

And the Court doth adjudge and decree that said land be brought under the operation and provisions of said Uniform Land Registration Act and all amendments thereof, and that the title of said.....

to said land be confirmed and registered, hereby binding the said land and conclusively quieting the title thereto against all the world; subject, however, to any of the encumbrances mentioned in section seventy-three of said Act which may be subsisting, and subject also to the Estates, Easements, Incumbrances and Charges hereinafter noted:.....

[Note 3—see page 152.]

.....

.....

.....

Witness, the Honorable....., Judge of the Court of Land Registration for the.....of....., the.....day of....., in the year 19....at.....o'clock ....M.

Attest, with the seal of said Court.

.....

Registrar of Title

for the.....of.....

A true copy. Attest, with the seal of said Court.

.....

Registrar of Title

for the.....of.....

Form 851—OWNER'S DUPLICATE TRANSFER CERTIFICATE. Uniform Land Registration Act. Sec. 52.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

OWNER'S DUPLICATE TRANSFER CERTIFICATE OF TITLE NO. ....

Original Certificate Registered in Register of Titles Book No. ....., page.....

This Certifies that....., the owner in fee simple of that certain parcel of land situate in said.....

[Note 1—see page 152.]

bounded and described as follows:.....

[Note 2—see page 152.]

subject, however, to any of the encumbrances mentioned in section seventy-three of the Uniform Land Registration Act, approved February 24, 1916, and Acts amendatory thereof, which may be subsisting, and subject also to the Estates, Easements, Incumbrances, and Charges hereinafter noted:.....

[Note 3—see page 152.]

Witness, the Honorable....., Judge of the Court of Land Registration for the.....of..... the.....day of.....in the year 19...., at.....o'clock....M. Attest, with the seal of said Court.

.....

Registrar of Title for the.....of.....

A true copy. Attest with the seal of said Court.

.....

Registrar of Title for the.....of.....

Form 852—PETITION FOR RE-SURVEY. Uniform Land Registration Act, Secs. 55, 39.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

PETITION NO.....

PETITION FOR RE-SURVEY

.....

All Whom it May Concern

The Petition of....., registered owner....of Transfer Certificate of Title No....., Original Certificate of Title No....., registered in the Register of Titles Book No....., p.....,respectfully shows unto the Court that.....desire....a re-survey of the land described in said Certificate for the purpose of sub-division, and pray that an order be entered accordingly.

.....

Petitioner.

.....

Counsel.

Form 853—ORDER FOR RE-SURVEY. Uniform Land Registration Act, Secs. 55, 39.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....
vs.
All Whom it May Concern

PETITION NO.....
ORDER FOR RE-SURVEY

On Petition of....., registered owner....of Transfer Certificate No.....Original Certificate No..... registered in the Register of Titles Book No.....p....., it is ordered that a re-survey of the land described in said Certificate be made by....., a competent surveyor hereby appointed by the Court, after notice to owners of adjoining lands, for the purpose of subdivision in accordance with the wishes of the Petitioner for such re-survey; and said surveyor shall set durable bounds at all points or corners not so marked in the original survey for registration, and shall file a plat of the re-survey among the papers of this suit.

Form 854—DEMAND FOR DUPLICATE CERTIFICATE. Uniform Land Registration Act, Sec. 59.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

CERTIFICATE OF TITLE NO.....

Take Notice, That.....has been filed for registration against the title to the land registered by the Certificate mentioned above, and you are hereby required forthwith to produce the Duplicate Certificate thereof before me in order that a memorial of said transaction may be made thereon.

Witness my hand this.....day of....., 19.....

.....
Registrar of Title
for the.....of.....

To.....
.....

Form 855—ATTACHMENT. Uniform Land Registration Act, Sec. 59.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

To the Sheriff of the.....of....., *Greeting:*

We Command You, That you take....., if found within your bailiwick, and.....safely keep so that you have.....bod.....before the Court of Land Registration for the.....of....., at the Court House thereof, on the..... day of....., 19...., to produce before our said Court....the Owner's Duplicate of Certificate of Title No.....

Witness:....., Registrar of Title of our said Court, this.....day of....., 19.....

.....

Registrar of Title
for the.....of.....

Form 856—PETITION FOR TRANSFER. Uniform Land Registration Act, Sec. 60.

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PETITION FOR TRANSFER
All Whom it May Concern	

The Petition of.....

registered owner....of Transfer Certificate of Title No....., Original Certificate registered.....day of....., 19...., Book No....., p....., respectfully shows unto the Court the following case:.....

.....

.....

.....

And Petitioner....pray....that a special order of Court may be entered for the.....

in accordance with section 60 of the Uniform Land Registration Act.

.....

Petitioner.

Form 857—ORDER FILING PETITION FOR TRANSFER. Uniform Land Registration Act, Sec. 60.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ORDER FILING PETITION
All Whom it May Concern } FOR TRANSFER

It is ordered that the Petition of.....
praying for a special order of Court under section 60 of the Uniform Land Registration Act, be filed and registered with such effect as it may be entitled to have; that the same be set for hearing on the.....day of....., 19...., and that notice thereof be given to.....

Form 858—ORDER FOR TRANSFER. Uniform Land Registration Act, Sec. 60.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ORDER FOR TRANSFER
All Whom it May Concern }

On the Petition of.....notice thereof having been given to all parties interested, as required by the order entered herein on the.....day of....., 19...., the Court is of opinion that.....
and doth order.....

Form 859—MEMORANDUM OF DELINQUENT TAXES. Uniform Land Registration Act, Sec. 63

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

MEMORANDUM OF DELINQUENT TAXES REGISTERED LANDS

1. Certificate of Title No.....
2. Certificate of Title No.....
1. Transfer Certificate of Title No.....
2. Transfer Certificate of Title No.....

.....
Treasurer or Collector.

Form 860—TAX SALE. Uniform Land Registration Act, Sec. 64 (1).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....
MEMORANDUM OF TAX SALES—REGISTERED LANDS
1. Certificate of Title No.....
2. Certificate of Title No.....
1. Transfer Certificate of Title No.....
2. Transfer Certificate of Title No.....

.....
Treasurer of the.....of.....
....., 19.....

Form 861—TAX CERTIFICATE. Uniform Land Registration Act, Sec. 64 (2).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....
TAX CERTIFICATE OF TITLE NO.....
Original Certificate Registered....., 19...., Book No....., p.....

This Certifies, That....., is the registered owner of the Tax Title to that certain parcel of land.... situate in said..... bounded and described as follows:.....
subject, however, to any of the encumbrances mentioned in Section 73 of the Uniform Land Registration Act which may be subsisting; subject also to.....
.....
.....
.....
and subject also to the privilege of redemption by the former owner.... in accordance with law on or before the.....day of ....., 19.....

Witness: the Honorable....., Judge of the Court of Land Registration for the.....of....., the.....day of....., in the year 19...., at.....o'clock .....M.

Attest, with the seal of said Court:

.....
Registrar of Title
for the.....of.....

A true copy. Attest, with the seal of said Court:

.....
Registrar of Title
for the.....of.....

Form 862—FINAL TAX SALE. Uniform Land Registration Act, Sec. 66 (1).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

FINAL TAX SALE

Notice is hereby given that all that parcel of land situated in the.....of....., and bounded as follows:

.....

and being the land.....
will be sold at public auction on the premises, for cash, on the .....day of....., 19...., at .....M.

This is the Final Tax Sale, and the purchaser will get an absolute title under the Uniform Land Registration Act, subject to the provisions of sections 67 and 73 of said Act.

.....
Treasurer of the.....of.....

.....
Collector of Taxes.

Form 863—PETITION OF CLAIMANT. Uniform Land Registration Act, Secs. 68, 69.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PETITION OF CLAIMANT
All Whom it May Concern	

The Petition of.....
shows unto the Court the following case:

(1) That the Petitioner.... ha.... a claim against the land registered in Transfer Certificate of Title No....., Original Certificate of Title No....., registered in Register of Titles Book No....., p.....

(2) That said claim has arisen from other cause than fraud or forgery since the said land was registered as aforesaid and within ninety days preceding this Petition.

(3) That said claim is as follows:.....

(4) Wherefore, Petitioner.... pray.... that.....cause may be heard and that such decree shall be entered and registered with due regard to the provisions of the Uniform Land Registration Act, as justice and equity may require.

.....
Petitioner.

.....
Counsel.

Form 864—CAVEAT. Uniform Land Registration Act, Sec. 68.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } CAVEAT
All Whom it May Concern }

To the.....,
Registrar of Title for the.....of.....:

You are hereby requested to register a memorial that a Petition.....filed asserting a claim against the land registered in Transfer Certificate of Title No....., Original Certificate of Title No....., registered in Register of Titles Book No....., p....., which memorial shall serve as a caveat and be notice to all persons pursuant to the provisions of section 68 of the Uniform Land Registration Act.

.....
Petitioner.

.....
Counsel.

Form 865—PETITION OF REGISTRAR. Uniform Land Registration Act, Sec. 68 (2).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } PETITION OF REGISTRAR
All Whom it May Concern }

The Petition of....., Registrar of Titles for the.....of....., respectfully shows unto the Court the following case:

(1) That.....

.....

.....

.....

(2) That Petitioner is in doubt as to the proper registration to be made in said case, and prays for a decree of the Court in the premises.

.....
Petitioner.

Form 866—PETITION AGAINST REGISTRAR. Uniform Land Registration Act, Sec. 68 (2).

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PETITION AGAINST REGISTRAR
All Whom it May Concern	

The Petition of.....respectfully shows unto the Court the following case:

(1) That Petitioner.....aggrieved by the..... of the Registrar of Title for the.....of..... in

.....

.....

.....

.....

(2) Wherefore, Petitioner.... pray.... that.....cause may be heard, and that such decree shall be entered and registered, with due regard to the provisions of the Uniform Land Registration Act, as justice and equity may require.

.....
Petitioner.

.....
Counsel.

Form 867—ORDER FILING PETITION OF REGISTRAR. Uniform Land Registration Act, Secs. 68 (2), 69.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	ORDER FILING PETITION OF
All Whom it May Concern	REGISTRAR

It is ordered that the Petition of the Registrar, showing that he is in doubt as to the proper registration to be made in this case be filed and registered with such effect as it may be entitled to have; that the same be set for hearing on the.....day of ....., 19...., and that notice thereof be.....

.....

.....

.....

.....

.....

.....

.....

Form 868—DECREE ON PETITION OF REGISTRAR. Uniform Land Registration Act, Sec. 69.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	DECREE ON PETITION OF
All Whom it May Concern	REGISTRAR

On the Petition of the Registrar, showing that he was in doubt as to the proper registration to be made in this case and praying for a decree of the Court in the premises, notice thereof having been given to all parties interested, as required by the order entered herein on the.....day of....., 19...., the Court having heard the cause and now proceeding, with due regard to the provisions of the Uniform Land Registration Act, to enter such decree as justice and equity require, doth adjudge and decree

.....
.....
.....
.....
.....

NOTE.—If no notice is required, let the order show why.

Form 869—ORDER FILING PETITION OF CLAIMANT. Uniform Land Registration Act, Secs. 68, 69, 70.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	ORDER FILING PETITION OF
All Whom it May Concern	CLAIMANT

It is ordered that the Petition of....., asserting a claim against the land registered in Transfer Certificate of Title No....., Original Certificate of Title No....., registered in Register of Titles Book No....., p....., be filed and registered, with such effect as it may be entitled to have; that the same be set for hearing on the.....day of ....., 19....; and that notice thereof be given to.....

.....
.....
.....
.....
.....

Form 870—DECREE ON PETITION OF CLAIMANT. Uniform Land Registration Act, Sec. 69.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	DECREE ON PETITION OF
All Whom it May Concern	CLAIMANT

On the Petition of.....
asserting a claim against the land registered in this case, notice thereof having been given to all parties interested as required by the order entered herein on the.....day of....., 19...., the Court having heard the cause and now proceeding, with due regard to the provisions of the Uniform Land Registration Act, to enter such decree as justice and equity require, doth adjudge and decree.....
.....
.....
.....
.....

Form 871—PETITION FOR NEW CERTIFICATE. Uniform Land Registration Act, Sec. 71 (1)

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

.....	PETITION NO.....
vs.	PETITION FOR NEW CERTIFICATE
All Whom it May Concern	

Petitioner.....respectfully show.... unto the Court that Duplicate Certificate No....., registered in.....name....has been lost or destroyed, and.....pray....the Court for the issuance of a new Duplicate.

.....
Petitioner.

.....
Counsel.

Form 872—PUBLICATION ORDER FOR NEW CERTIFICATE. Uniform Land Registration Act, Sec. 71 (2).

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....

vs.

All Whom it May Concern

PETITION NO.....
PUBLICATION ORDER FOR NEW CERTIFICATE

It is ordered that the Petition of.....

.....

.....

.....

showing the loss or destruction of Duplicate Certificate No....., be filed, and that notice thereof be published once a week for four successive weeks in....., a newspaper published in the.....of....., stating that the Court will hear the matter on the.....day of....., 19....

A true copy—Attest:

.....

Registrar of Title
for the.....of.....

Form 873—DECREE FOR NEW DUPLICATE. Uniform Land Registration Act, Sec. 71 (3).

COMMONWEALTH OF VIRGINIA

Court of Land Registration for the.....of.....

.....

vs.

All Whom it May Concern

PETITION NO.....
DECREE FOR NEW DUPLICATE

On the Petition of.....notice whereof has been duly published in accordance with the requirements of the Uniform Land Registration Act, satisfactory proof having been produced before the Court showing the loss or destruction of Duplicate Certificate No....., it is ordered that a new Duplicate Certificate, appropriately designated, be issued to take the place of the original Duplicate.

Form 874—NOTICE. Uniform Land Registration Act, Sec. 70.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } NOTICE
All Whom it May Concern }

Take Notice, That.....

.....
Registrar of Title
for the.....of.....

NOTE.—Fill blank with purposes for which notice is given.

Form 875—ASSURANCE FUND RECEIPT. Uniform Land Registration Act Sec. 80.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

..... } PETITION NO.....
vs. } ASSURANCE FUND RECEIPT
All Whom it May Concern }

OFFICE OF REGISTRAR OF TITLE,
....., 19....

$.....

Received of..... .....Dollars, being one-tenth of one per cent. of the assessed value of the land mentioned in said Petition, subject to the trusts and conditions imposed by the Uniform Land Registration Act, for the uses and purposes of said Act.

.....
Registrar of Title
for the.....of.....

Form 876—STATE AUDITOR'S RECEIPT. Uniform Land Registration Act, Sec. 81.

COMMONWEALTH OF VIRGINIA
Court of Land Registration for the.....of.....

$.....

Received of....., Registrar of Title for the.....of....., Dollars, upon the special trust and condition that the same shall be set aside in the State Treasury as separate fund for the uses and purposes of the Uniform Land Registration Act, to be known as the "Land Registration Assurance Fund."

.....
Auditor of Public Accounts.

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